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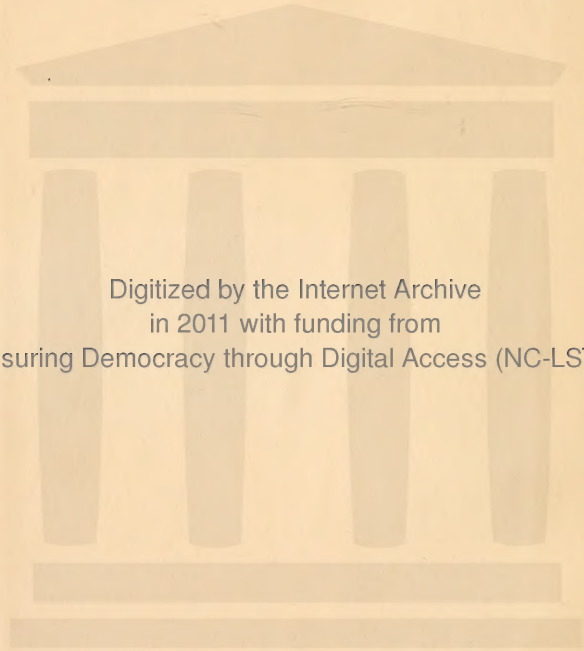


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STATE OF NORTH CAROLINA

1955

Session Laws and Resolutions

PASSED BY THE

GENERAL ASSEMBLY

AT THE

REGULAR SESSION

HELD IN THE CITY OF RALEIGH

BEGINNING ON

WEDNESDAY, THE FIFTH OF JANUARY, A. D. 1955

PUBLISHED BY AUTHORITY

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**Appointed Jan. 10, 1955 to succeed Wiltshire Griffith, resigned.

ENROLLING AND INDEXING DEPARTMENT

NAME	POSITION	POST OFFICE
L. M. CHAFFIN	Enrolling Clerk	Lillington
WILLIAM LASSITER	Indexer of Laws	Raleigh

CONSTITUTION

OF THE

State of North Carolina

PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution:

ARTICLE I

DECLARATION OF RIGHTS

That the great, general, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

SECTION 1. *The equality and rights of persons.* That we hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

SEC. 2. *Political power and government.* That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 3. *Internal government of the State.* That the people of this State have the inherent, sole and exclusive right of regulating the internal government and policies thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of the law, and consistently with the Constitution of the United States.

SEC. 4. *That there is no right to secede.* That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union or to sever said Nation, ought to be resisted with the whole power of the State.

SEC. 5. *Of allegiance to the United States Government.* That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

SEC. 6. *Public Debt; bonds issued under ordinance of Convention of 1868, '68-'69, '69-'70, declared invalid; exception.* The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people, and by them ratified by the vote of a majority of all the qualified voters of the State at a regular election held for that purpose.

SEC. 7. *Exclusive emoluments, etc.* No person or set of persons are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

SEC. 8. *The legislative, executive and judicial powers distinct.* The legislative, executive, and supreme judicial powers of the government ought to be forever separate and distinct from each other.

SEC. 9. *Of the power of suspending laws.* All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

SEC. 10. *Elections free.* All elections ought to be free.

SEC. 11. *In criminal prosecutions.* In all criminal prosecutions every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self incriminating evidence, or to pay costs, jail fees or necessary witness fees of the defense, unless found guilty.

SEC. 12. *Answers to criminal charges.* No person shall be put to answer any criminal charge except as hereinafter allowed, but by indictment, presentment, or impeachment, but any person, when represented by counsel, may, under such regulations as the Legislature shall prescribe, waive indictment in all except capital cases.

SEC. 13. *Right of jury.* No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful persons in open court. The Legislature may, however, provide other means of trial, for petty misdemeanors, with the right of appeal.

SEC. 14. *Excessive bail.* Excessive bail should not be required nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SEC. 15. *General warrants.* General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committeed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

SEC. 16. *Imprisonment for debt.* There shall be no imprisonment for debt in this State, except in cases of fraud.

SEC. 17. *No person taken, etc., but by law of the land.* No person ought to be taken, imprisoned or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property but by the law of the land.

SEC. 18. *Persons restrained of liberty.* Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

SEC. 19. *Controversies at law respecting property.* In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. No person shall be excluded from jury service on account of sex.

SEC. 20. *Freedom of the press.* The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

SEC. 21. *Habeas Corpus.* The privileges of the writ of habeas corpus shall not be suspended.

SEC. 22. *Property qualification.* As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office.

SEC. 23. *Representation and taxation.* The people of the State ought not to be taxed, or made subject to the payment of any impost or duty without the consent of themselves, or their representatives in General Assembly, freely given.

SEC. 24. *Militia and the right to bear arms.* A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

SEC. 25. *Right of the people to assemble together.* The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

SEC. 26. *Religious liberty.* All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

SEC. 27. *Education.* The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

SEC. 28. *Elections should be frequent.* For redress of grievances, and for amending and strengthening the laws, elections should be often held.

SEC. 29. *Recurrence to fundamental principles.* A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

SEC. 30. *Hereditary emoluments, etc.* No hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.

SEC. 31. *Perpetuities, etc.* Perepetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

SEC. 32. *Ex post facto laws.* Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppresive, unjust, and incompatible with liberty; wherefore no *ex post facto law* ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

SEC. 33. *Slavery prohibited.* Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby, forever prohibited within the State.

SEC. 34. *State boundaries.* The limits and boundaries of the State shall be and remain as they now are.

SEC. 35. *Courts shall be open.* All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

SEC. 36. *Soldiers in time of peace.* No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

SEC. 37. *Other rights of the people.* This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II

LEGISLATIVE DEPARTMENT

SECTION 1. *Two branches.* The legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: a Senate and House of Representatives.

SEC. 2. *Time of assembling.* The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.

SEC. 3. *Number of senators.* The Senate shall be composed of fifty Senators, biennially chosen by ballot.

SEC. 4. *Regulations in relation to districting the State for Senators.* The Senate district shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate district shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all

times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, unless such county shall be equitably entitled to two or more Senators.

SEC. 5. *Regulations in relation to apportionment of representatives.* The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot to be elected by the counties respectively, according to their population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the districts of the Senate are hereinbefore directed to be laid off.

SEC. 6. *Ratio of representation.* In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio there shall be assigned one Representative; to each county containing twice but not three times the said ratio there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

SEC. 7. *Qualifications for senators.* Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he was chosen one year immediately preceding his election.

SEC. 8. *Qualifications for representatives.* Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

SEC. 9. *Election of officers.* In the election of all officers whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce.*

SEC. 10. *Powers in relation to divorce and alimony.* The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

SEC. 11. *Private laws in relation to names of persons, etc.* The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

SEC. 12. *Thirty days notice shall be given anterior to passage of private laws.* The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.

SEC. 13. *Vacancies.* If a vacancy shall occur in the General Assembly by death, resignation or otherwise, the said vacancy shall be filled immediately by the Governor appointing the person recommended by the Executive Committee of the county in which the deceased or resigned member was resident, being the Executive Committee of the political party with which the deceased or resigned member was affiliated at the time of his election.

SEC. 14. *Revenue.* No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second third readings of the bill shall have been entered on the journal.

SEC. 15. *Entails.* The General Assembly shall regulate entails in such a manner as to prevent perpetuities.

SEC. 16. *Journals.* Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

SEC. 17. *Protest.* Any member of either House may dissent from, and protest against, any act or resolve which he may think injurious to the public, or any individual, and have the reasons for his dissent entered on the journal.

SEC. 18. *Officers of the House.* The House of Representatives shall choose their own Speaker and other officers.

SEC. 19. *President of the Senate.* The Lieutenant-Governor shall preside in the Senate but shall have no vote unless it may be equally divided.

SEC. 20. *Other senatorial officers.* The Senate shall choose its other officers and also a Speaker *(pro tempore)* in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.

SEC. 21. *Style of the acts.* The style of the acts shall be: "The General Assembly of North Carolina do enact."

SEC. 22. *Powers of the General Assembly.* Each House shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day, or other place.

SEC. 23. *Bills and resolutions to be read three times, etc.* All bills and resolutions of a legislative nature shall be read three times in each House before they pass into laws, and shall be signed by the presiding officers of both Houses.

SEC. 24. *Oath of members.* Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

SEC. 25. *Terms of office.* The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

SEC. 26. *Yeas and nays.* Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

SEC. 27. *Election for members of the General Assembly.* The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. (Changed to Tuesday after first Monday in November. c. 275—1876.)

SEC. 28. *Pay of Members and Presiding Officers of the General Assembly.* The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of fifteen dollars ($15.00) per day for each day of their session, for a period not exceeding ninety days; and should they remain longer in session they shall serve without compensation. The compensation of the presiding officers of the two houses shall be twenty dollars ($20.00) per day for a period not exceeding ninety days. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty-five days.

SEC. 29. *Limitations upon power of General Assembly to enact private or special legislation.* The General Assembly shall not pass any local, private or special act or resolution relating to the establishment of courts inferior to the Superior Court; relating to the appointment of justices of the peace; relating to health, sanitation, and the abatement of nuisances; changing the names of cities, towns, and townships; authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys; relating to ferries or bridges; relating to non-navigable streams; relating to cemeteries; relating to the pay of jurors; erecting new townships, or changing township lines, or establishing or changing the lines of school districts; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade, mining, or manufacturing; extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, private, or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private, or special laws enacted by it. Any local, private, or special act or resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.

SEC. 30. The General Assembly shall not use nor authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created.

SEC. 31. The General Assembly shall not use, or authorize to be used, nor shall any agency of the State, public officer or public employee use or authorize to be used the funds, or any part of the funds, of the Teach-

ers' and State Employees' Retirement System except for retirement system purposes. The funds of the Teachers' and State Employees' Retirement System shall not be applied, diverted, loaned to or used by the State, any State agency, State officer, public officer or employee except for purposes of the Retirement System: *Provided,* that nothing in this Section shall prohibit the use of said funds for the payment of benefits, administrative expenses and refunds as authorized by the Teachers' and State Employees' Retirement Law, nor shall anything in this provision prohibit the proper investment of said funds as may be authorized by law.

ARTICLE III

EXECUTIVE DEPARTMENT

SECTION 1. *Officers of the Executive Department; Terms of Office.* The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State; a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor and a Commissioner of Insurance, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election and continue until their successors are elected and qualified: *Provided,* that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

SEC. 2. *Qualifications of Governor and Lieutenant-Governor.* No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

SEC. 3. *Returns of elections.* The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officer, directed to the Secretary of State. The return shall be canvassed and the result declared in such manner as may be prescribed by law. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

SEC. 4. *Oath of office for Governor.* The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and the laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

SEC. 5. *Duties of Governor.* The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

SEC. 6. *Reprieves, commutations, and pardons.* The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation, or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefor. The terms reprieves, commutations and pardons shall not include paroles. The General Assembly is authorized and empowered to create a Board of Paroles, provide for the appointment of the members thereof, and enact suitable laws defining the duties and authority of such Board to grant, revoke and terminate paroles. The Governor's power of paroles shall continue until July 1, 1955, at which time said power shall cease and shall be vested in such Board of Paroles as may be created by the General Assembly.

SEC. 7. *Annual reports from officers of Executive Department and of public institutions.* The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

SEC. 8. *Commander-in-Chief.* The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

SEC. 9. *Extra sessions of General Assembly.* The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

SEC. 10. *Officers whose appointments are not otherwise provided for.* The Governor shall nominate and, by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

SEC. 11. *Duties of the Lieutenant-Governor.* The Lieutenant-Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall receive such compensation as shall be fixed by the General Assembly.

SEC. 12. *In case of impeachment of Governor, or vacancy caused by death or resignation.* In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the

duties of his office, or, in case the office of Governor shall in any wise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties, and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

SEC. 13. *Duties of other executive officers.* The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney-General, Commissioner of Agriculture, Commissioner of Labor and Commissioner of Insurance shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article. *Provided*, that when the unexpired term of any of the offices named in this Section in which such vacancy has occurred expires on the first day of January succeeding the next General Election, the Governor shall appoint to fill said vacancy for the unexpired term of said office.

SEC. 14. *Council of State.* The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall constitute, *ex-officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a journal, to be kept for this purpose, exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney-General shall be, *ex-officio*, the legal adviser of the executive department.

SEC. 15. *Compensation of executive officers.* The officers mentioned in this article shall at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

SEC. 16. *Seal of State.* There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "The Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State," signed

by the Governor, and countersigned by the Secretary of State.

SEC. 17. *Department of Agriculture, Immigration and Statistics.* The General Assembly shall establish a Department of Agriculture, Immigration, and Statistics, under such regulations as may best promote the agricultural interest of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

SEC. 18. *Department of Justice.* The General Assembly is authorized and empowered to create a Department of Justice under the supervision and direction of the Attorney-General, and to enact suitable laws defining the authority of the Attorney-General and other officers and agencies concerning the prosecution of crime and the administration of the criminal laws of the State.

ARTICLE IV

JUDICIAL DEPARTMENT

SECTION 1. *Abolishes the distinctions between actions at law and suits in equity, and feigned issues.* The distinctions between actions at law and suits in equity, and the forms of all such actions and suits shall be abolished; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the facts at issue tried by order of court before a jury.

SEC. 2. *Division of judicial powers.* The judicial power of the State shall be vested in a Court for the Trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other courts inferior to the Supreme Court as may be established by law.

SEC. 3. *Trial court of impeachment.* The Court for the Trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

SEC. 4. *Impeachment.* The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

SEC. 5. *Treason against the State.* Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

SEC. 6. *Supreme Court.* The Supreme Court shall consist of a Chief Justice and four Associate Justices. The General Assembly may increase the number of Associate Justices to not more than six, when the work of the Court so requires. The Court shall have power to sit in divisions, when in its judgment this is necessary for the proper dispatch of business, and

to make rules for the distribution of business between the divisions and for the hearing of cases by the full Court. No decision of any division shall become the judgment of the Court unless concurred in by a majority of all the justices; and no case involving a construction of the Constitution of the State or of the United States shall be decided except by the Court in banc. All sessions of the Court shall be held in the city of Raleigh. This amendment made to the Constitution of North Carolina shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled or held by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof. The General Assembly is vested with authority to provide for the retirement of members of the Supreme Court and for the recall of such retired members to serve on said Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated. (By c. 16, 1937, amending s. 1403 of the Consolidated Statutes, the number of Associate Justices was increased to six.)

SEC. 7. *Terms of the Supreme Court.* The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

SEC. 8. *Jurisdiction of Supreme Court.* The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

SEC. 9. *Claims against the State.* The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

SEC. 10. *Judicial Districts for Superior Courts.* The General Assembly shall divide the State into a number of judicial districts which number may be increased or reduced and shall provide for the election of one or more Superior Court judges for each district. There shall be a Superior Court in each county at least twice in each year to continue for such time in each county as may be prescribed by law.

SEC. 11. *Judicial Districts; Rotation; Special Superior Court Judges; Assignment of Superior Court Judges by Chief Justice.* Each Judge of the Superior Court shall reside in the district for which he is elected. The General Assembly may divide the State into a number of judicial divisions. The judges shall preside in the courts of the different districts within a division successively; but no judge shall hold all the courts in the same district oftener than once in four years. The General Assembly may provide by general laws for the selection or appointment of Special or Emergency Superior Court Judges not assigned to any judicial district, who may be designated from time to time by the Chief Justice, to hold court in any district or districts within the State; and the General Assembly shall

define their jurisdiction and shall provide for their reasonable compensation. The Chief Justice, when in his opinion the public interest so requires, may assign any Superior Court Judge to hold one or more terms of Superior Court in any district.

SEC. 12. *Jurisdiction of courts inferior to Supreme Court.* The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals; and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

SEC. 13. *In case of waiver of trial by jury.* In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

SEC. 14. *Special courts in cities.* The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary.

SEC. 15. *Clerk of the Supreme Court.* The clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

SEC. 16. *Election of Superior Court clerk.* A clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

SEC. 17. *Term of office.* Clerks of the Superior Courts shall hold their offices for four years.

SEC. 18. *Fees, salaries, and emoluments.* The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this article; but the salaries of the judges shall not be diminished during their continuance in office.

SEC. 19. *What laws are, and shall be, in force.* The laws of North Carolina, not repugnant to this Constitution or the Constitution and laws of the United States, shall be in force until lawfully altered.

SEC. 20. *Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.* Actions at law and suits in equity pending when this Constitution shall go into effect shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending at the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

SEC. 21. *Elections, terms of office, etc., Justices of the Supreme and Judges of the Superior Courts.* The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The judges of the Superior Courts, elected at the first election under

this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

SEC. 22. *Transaction of business in the Superior Courts.* The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

SEC. 23. *Solicitors and Solicitorial Districts.* The State shall be divided into twenty-one solicitorial districts, for each of which a solicitor shall be chosen by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State in all criminal actions in the Superior Courts, and advise the officers of justice in his district. But the General Assembly may reduce or increase the number of the solicitorial districts, which need not correspond to, or be the same as, the judicial districts of the State.

SEC. 24. *Sheriffs and Coroners.* In each county a sheriff and coroner shall be elected by the qualified voters thereof as is prescribed for members of the General Assembly, and shall hold their offices for a period of four years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for a period of two years. When there is no coroner in a county the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the commissioners of the county may appoint to such office for the unexpired term.

SEC. 25. *Vacancies.* All vacancies occurring in the offices provided for by this Article of the Constitution shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly that is held more than 30 days after such a vacancy occurs, when elections shall be held to fill such offices. *Provided*, that when the unexpired term of any of the offices named in this Article of the Constitution in which such vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next General Election, the Governor shall appoint to fill said vacancy for the unexpired term of said office. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

SEC. 26. *Terms of office of first officers.* The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them, respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

SEC. 27. *Jurisdiction of justices of the peace.* The several justices of the peace shall have jurisdiction, under such regulations as the General

Assembly shall prescribe, of civil actions, founded on contract wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to the justices of the peace jurisdiction of other civil actions wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom the judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature the party against whom the judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file the same with the clerk of the Superior Court for his county.

SEC. 28. *Vacancies in office of justices.* When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

SEC. 29. *Vacancies in office of Superior Court clerk.* In case the office of clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

SEC. 30. *Officers of other courts inferior to Supreme Court.* In case the General Assembly shall establish other courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

SEC. 31. *Removal of judges of the various courts for inability.* Any judge of the Supreme Court, or of the Superior Courts, and the presiding officers of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The judge or presiding officer against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

SEC. 32. *Removal of clerks of the various courts for inability.* Any clerk of the Supreme Court, or of the Superior Courts, or of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the clerk of the Supreme Court by the judges of said court, the clerks of the Superior courts by the judge riding the district, and the clerks of such courts inferior to the Supreme Court as may be established by law by the presiding officers of said courts. The clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and

the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court, as provided in other cases of appeals.

SEC. 33. *Amendments not to vacate existing offices.* The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held by virtue of any election or appointment under the said Constitution and the laws of the State made in pursuance thereof.

ARTICLE V

REVENUE AND TAXATION

SECTION 1. *Capitation tax; exemptions.* The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.

SEC. 2. *Application of proceeds of State and county capitation tax.* The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

SEC. 3. *State taxation.* The power of taxation shall be exercised in a just and equitable manner, and shall never be surrendered, suspended, or contracted away. Taxes on property shall be uniform as to each class of property taxed. Taxes shall be levied only for public purposes, and every act levying a tax shall state the object to which it is to be applied. The General Assembly may also tax trades, professions, franchises, and incomes: *Provided,* the rate of tax on income shall not in any case exceed ten per cent (10%), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to-wit: for married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than $2,000; to all other persons not less than $1,000, and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.

SEC. 4. *Limitations upon the increase of public debts.* The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit, for the following purposes: To fund or refund a valid existing debt; to borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding fifty per centum of such taxes; to supply a casual deficit; to suppress riots or insurrections, or to repel invasions. For any purpose other than these enumerated, the General Assembly shall have no power, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's out-

standing indebtedness shall have been reduced during the next preceding biennium, unless the subject be submitted to a vote of the people of the State; and for any purpose other than these enumerated the General Assembly shall have no power to authorize counties or municipalities to contract debts, and counties and municipalities shall not contract debts, during any fiscal year, to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality. In any election held in the State or in any county or municipality under the provisions of this section, the proposed indebtedness must be approved by a majority of those who shall vote thereon. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be sumitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

SEC. 5. *Property exempt from taxation.* Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable, or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers; libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars. The General Assembly may exempt from taxation not exceeding one thousand dollars ($1,000.00) in value of property held and used as the place of residence of the owner.

SEC. 6. *Taxes levied for counties.* The total of the State and county tax on property shall not exceed twenty cents (20c) on the one hundred dollars ($100) value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: *Provided,* this limitation shall not apply to taxes levied for the maintenance of the public schools of the State for the term required by Article IX, Section 3, of the Constitution: *Provided,* further, the State Tax shall not exceed five cents (5c) on the one hundred dollars ($100) value of property.

SEC. 7. *Acts levying taxes shall state objects, etc.* Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

SECTION 1. *Who may vote.* Every person born in the United States, and every person who has been naturalized, twenty-one years of age and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided. (The 19th amendment to the United States Constitution, ratified

Aug. 6, 1920, provided that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex." North Carolina accordingly by c. 18, Extra Session 1920, provided for the registration and voting of women.)

SEC. 2. *Qualifications of voters.* Any person who shall have resided in the State of North Carolina for one year, and in the precinct, ward or other election district in which such person offers to vote for thirty days next preceding an election, and possessing the other qualifications set out in this Article, shall be entitled to vote at any election held in this State; provided, that removal from one precinct, ward or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which such person has removed until thirty days after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law.

SEC. 3. *Voters to be registered.* Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

SEC. 4. *Qualification for registration.* Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided,* he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration; and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article.

SEC. 5. *Indivisible plan; legislative intent.* That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other, that the whole shall stand or fall together.

SEC. 6. *Elections by people and General Assembly.* All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce.*

SEC. 7. *Eligibility to office; official oath.* Every voter in North Carolina except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I, ..., do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that that I will faithfully discharge the duties of my office as ..... So help me, God."

SEC. 8. *Disqualification for office.* The following classes of persons shall be disqualified for office: *first*, all persons who shall deny the being of Almighty God. *Second*, all persons, who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

SEC. 9. *When this chapter operative.* That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

(Redrafted and submitted to popular vote, Aug. 2, 1900, to become effective July 1, 1902. P. L. 1889, c. 218 and P. L. 1900, c. 2.)

ARTICLE VII

MUNICIPAL CORPORATIONS

SECTION 1. *County officers.* In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners. (Under authority of the Public Laws of 1935, c. 362, s. 13, provision was made for the quadrennial election of registers of deeds, certain counties being exempted.)

SEC. 2. *Duty of county commissioners.* It shall be the duty of the commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be *ex officio* clerk of the board of commissioners.

SEC. 3. *Counties to be divided into districts.* It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

SEC. 4. *Townships have corporate powers.* Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

SEC. 5. *Officers of townships.* In each township there shall be biennially elected, by the qualified voters thereof, a clerk and two justices of the peace, who shall constitute a board of trustees, and shall, under the supervision of the county commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The

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General Assembly may provide for the election of a larger number of justices of the peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a school committee, consisting of three persons, whose duties shall be prescribed by law. (Amended by c. 141, 1877.)

SEC. 6. *Trustees shall assess property.* The township board of trustees shall assess the taxable property of their townships and make returns to the county commissioners for revision, as may be prescribed by law. The clerk shall be *ex officio,* treasurer of the township.

SEC. 7. *No debt or loan except by a majority of voters.* No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless approved by a majority of those who shall vote thereon in any election held for such purpose.

SEC. 8. *No money drawn except by law.* No money shall be drawn from any county or township treasury except by authority of law.

SEC. 9. *When officers enter on duty.* The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

SEC. 10. *Governor to appoint justices.* The Governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places until sections four, five, and six of this article shall have been carried into effect.

SEC. 11. *Charters to remain in force until legally changed.* All charters, ordinances, and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

SEC. 12. *Debts in aid of the rebellion not to be paid.* No county, city, town, or other municipal corporation shall assume or pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid of or support of the rebellion.

SEC. 13. *Powers of General Assembly over municipal corporations.* The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this article, and substitute others in their place, except sections seven, nine and thirteen. (Recent amendment repealed old section 9 and renumbered sections 10-14.) (Under the general authority of this section several statutory amendments have been made. See notes supra, ss. 1 and 5.)

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL

SECTION 1. *Corporations under general laws.* No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of

the State; but the General Assembly shall provide by general laws for the chartering and organization of all corporations, and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.

SEC. 2. *Debts of corporations, how secured.* Dues from corporations shall be secured by such individual liabilities of the corporations, and other means, as may be prescribed by law.

SEC. 3. *What corporations shall include.* The term "Corporation" as used in this article shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

SEC. 4. *Legislature to provide for organizing cities, towns, etc.* It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

ARTICLE IX

EDUCATION

SECTION 1. *Education shall be encouraged.* Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

SEC. 2. *General Assembly shall provide for schools; separation of the races.* The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of, either race.

SEC. 3. *Counties to be divided into districts.* Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least six months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment.

SEC. 4. *What property devoted to educational purposes.* The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also all moneys, stocks, bonds, and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts, or devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant,

gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

SEC. 5. *County school fund; proviso.* All moneys, stocks, bonds, and other property belonging to a county school fund; also the net proceeds from the sale of estrays; also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: *Provided,* that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

SEC. 6. *Election of trustees, and provisions for maintenance, of the University.* The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises, and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws, and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

SEC. 7. *Benefits of the University.* The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

SEC. 8. *State Board of Education.* The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, except those mentioned in Section five of this Article, shall, from and after the first day of April, one thousand nine hundred and forty-five, be vested in the State Board of Education to consist of the Lieutenant-Governor, State Treasurer, the Superintendent of Public Instruction, and ten members to be appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts, which may be altered from time to time by the General Assembly. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. The first appointments under this section shall be: Two members appointed from educational districts for terms of two years; two members appointed from educational districts for terms of four years; two members appointed from educational districts for terms of six years; and two members appointed from educational districts for terms of eight years. One member at large shall be appointed for a period of four years and one member at large shall be appointed for a period of eight years. All subsequent appointments shall be for terms of eight years. Any

appointments to fill vancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The State Superintendent of Public Instruction shall be the administrative head of the public school system and shall be secretary of the board. The board shall elect a chairman and vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members shall be provided by the General Assembly.

SEC. 9. *Powers and Duties of the Board.* The State Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers; to provide for the selection and adoption of the textbooks to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and make all needful rules and regulations in relation thereto. All the powers enumerated in this section shall be exercised in conformity with this Constitution and subject to such laws as may be enacted from time to time by the General Assembly.

SEC. 10. *Agricultural department.* As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain, in connection with the University, a department of agriculture, of mechanics, of mining, and of normal instruction.

SEC. 11. *Children must attend school.* The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

SECTION 1. *Exemptions of personal property.* The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court issued for the collection of any debt.

SEC. 2. *Homestead.* Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town, or village with the dwellings and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises.

SEC. 3. *Homestead exemptions from debt.* The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any of them.

SEC. 4. *Laborer's lien.* The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

SEC. 5. *Benefit of widow.* If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

SEC. 6. *Property of married women secured to them.* The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised, and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

SEC. 7. *Husband may insure his life for the benefit of wife and children.* The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of her husband, or any of his creditors. And the policy shall not be subject to claims of creditors of the insured during the life of the insured, if the insurance issued is for the sole use and benefit of the wife and/or children.

SEC. 8. *How deed for homestead may be made.* Nothing contained in the foregoing sections of this article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the signature and acknowledgement of his wife.

ARTICLE XI

PUNISHMENTS, PENAL INSTITUTIONS, AND PUBLIC CHARITIES

SECTION 1. *Punishments; convict labor; proviso.* The following punishments only shall be known to the laws of this State, viz: death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson; *Provided,* that no

convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of this State.

SEC. 2. *Death punishment.* The object of punishments being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

SEC. 3. *Penitentiary.* The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or penitentiary at some central and accessible point within the State.

SEC. 4. *Houses of correction.* The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

SEC. 5. *Houses of refuge.* A house or houses of refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.

SEC. 6. *The sexes to be separated.* It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

SEC. 7. *Provision for the poor and orphans.* Beneficent provisions for the poor, the unfortunate, and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

SEC. 8. *Orphan houses.* There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated, and taught some business or trade.

SEC. 9. *Inebriates and idiots.* It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

SEC. 10. *Deaf mutes, blind, and insane.* The General Assembly may provide that the indigent deaf-mute, blind, and insane of the State shall be cared for at the charge of the State.

SEC. 11. *Self-supporting.* It shall be steadily kept in view by the Legislature and the Board of Public Charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII

MILITIA

SECTION 1. *Who are liable to militia duty.* All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and

forty years, who are citizens of the United States, shall be liable to duty in the militia: *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

SEC. 2. *Organizing, etc.* The General Assembly shall provide for the organizing, arming, equipping, and discipline of the militia, and for paying the same, when called into active service.

SEC. 3. *Governor commander-in-chief.* The Governor shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repel invasion.

SEC. 4. *Exemptions.* The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

ARTICLE XIII

AMENDMENTS

SECTION 1. *Convention, how called.* No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

SEC. 2. *How the Constitution may be altered.* No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV

MISCELLANEOUS

SECTION 1. *Indictments.* All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon in the proper courts, but no punishment shall be inflicted which is forbidden by this Constitution.

SEC. 2. *Penalty for fighting duel.* No person who shall hereafter fight a duel, or assist in the same as a second or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

SEC. 3. *Drawing money.* No money shall be drawn from the Treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

SEC. 4. *Mechanic's lien.* The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor.

SEC. 5. *Governor to make appointments.* In the absence of any contrary provision, all officers of this State, whether heretofore elected or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen, and duly qualified according to the provisions of this Constitution.

SEC. 6. *Seat of government.* The seat of government in this State shall remain at the city of Raleigh.

SEC. 7. *Holding office.* No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided,* that nothing herein contained shall extend to officers in the militia, notaries public, justices of the peace, commissioners of public charities, or commissioners for special purposes.

SEC. 8. *Intermarriage of whites and Negroes prohibited.* All marriages between a white person and a Negro, or between a white person and a person of Negro descent to the third generation, inclusive, are hereby forever prohibited.

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SESSION LAWS

OF THE

STATE OF NORTH CAROLINA

SESSION 1955

S. B. 4 **CHAPTER 1**

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SOUTHERN PINES SCHOOL DISTRICT TO TRANSFER CERTAIN FUNDS FROM ITS DEBT SERVICE ACCOUNT TO ITS CAPITAL OUTLAY OR CURRENT EXPENSE ACCOUNTS, OR TO BOTH SUCH ACCOUNTS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Trustees of the Southern Pines School District is hereby authorized and empowered to transfer all surplus funds held by it in its debt service account on the date of the ratification of this Act or on July 1, 1955, to its capital outlay account or current expense account, or to both such accounts, and to use said funds for capital outlay or current expense purposes, or both, including the construction of school buildings.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of January, 1955.

H. B. 13 **CHAPTER 2**

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF CATAWBA COUNTY TO MAKE APPROPRIATIONS FOR BUILDING WATER LINES, SEWER LINES OR EITHER OF THEM, FROM THE CORPORATE LIMITS OF MUNICIPALITIES TO COMMUNITIES IN THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Catawba County is hereby authorized and empowered in its discretion to expend out of non-tax funds available to said board such amount or amounts as it may deem wise, not exceeding in the aggregate the sum of one hundred and twenty-

five thousand dollars ($125,000.00), to be used in such amounts in the discretion of said board of county commissioners for the purpose of acquiring easements for water and sewer lines, or either of them, and for the purpose of laying and constructing water and sewer lines or either of them from the corporate limits of municipalities located in Catawba County to communities located within said county, but outside of the corporate limits of municipalities, said water and sewer lines, or either of them, shall be constructed and laid and said easements therefor shall be acquired, for the purpose of promoting the general welfare of said county and the expense of laying and construction of said lines and acquiring said easements is hereby declared to be expenditures for public purposes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of January, 1955.

S. B. 13 CHAPTER 3

AN ACT TO AMEND THE ELECTION LAW HERETOFORE PROVIDED FOR THE TOWN OF CONETOE, IN EDGECOMBE COUNTY, AND TO FIX THE DATES OF ELECTIONS FOR SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 2 of Chapter 673 of the Session Laws of 1953 by striking out the following: "1953", appearing in the first line of said Section 2, and by inserting in lieu thereof the following: "1955".

Sec. 2. Amend Section 3 of Chapter 673 of the Session Laws of 1953 by striking out the figures "1953", as the same appear in the eighth line of said Section 3, and by inserting in lieu thereof the figures "1955".

Sec. 3. Amend Section 4 of Chapter 673 of the Session Laws of 1953 by striking out the figures "1955", as the same appear in the first line of said Section 4, and by inserting in lieu thereof the figures "1957".

Further amend said Section 4 of Chapter 673 of the Session Laws of 1953 by striking out the figures "1953", as the same appear in the tenth line of said Section 4, and by inserting in lieu thereof the figures "1955".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of January, 1955.

H. B. 34 **CHAPTER 4**

AN ACT TO PROVIDE THAT THE OFFICE OF SOLICITOR OF THE RECORDER'S COURT OF FRANKLIN COUNTY BE AN ELECTIVE OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That Section 6 of Chapter 12, Session Laws of 1951 is hereby repealed.

Sec. 2. That G. S. 7-235 is hereby amended by adding at the end thereof the following:

"Provided that as of February 1, 1955, the office of prosecuting attorney of the Recorder's Court of Franklin County, denominated solicitor, shall be an elective office. The first solicitor shall be elected by the Board of Commissioners of Franklin County on or before February 1, 1955, and shall hold his office under said appointment until the first Monday in December, 1956. At the primary and general elections to be held in the year 1956 and biennially thereafter, the Solicitor of the Recorder's Court of Franklin County shall be nominated and elected in the same manner and at the same time as is now or may hereafter be provided by law for the nomination and election of the elective officers of the county; the term of office of said Solicitor shall begin on the first Monday in December following the biennial general election at which he shall have been elected and shall extend to the first Monday in December following the next ensuing biennial general election. In the event of a vacancy in the office of Solicitor, either by death, resignation, failure to qualify, or otherwise, the Board of Commissioners of Franklin County shall fill such vacancy by appointment and the person so appointed shall serve until the first Monday in December following the next biennial general election. The salary of said Solicitor shall be two thousand four hundred dollars ($2400.00) per year and shall be paid in equal monthly installments from the General Fund of the county. The said Solicitor shall, at the time of his appointment or nomination and election, be a qualified elector of Franklin County and a licensed attorney at law, and before entering upon the duties of his office shall take and subscribe an oath substantially in the form required of State solicitors by Section 11-11 of the General Statutes of North Carolina, and said oath shall be recorded by the Clerk of the Superior Court of Franklin County."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of January, 1955.

H. B. 2 CHAPTER 5

AN ACT TO REPEAL CHAPTER 501 OF THE SESSION LAWS OF 1953, RELATING TO COMMITTEE HEARINGS ON THE APPROPRIATIONS BILL.

The General Assembly of North Carolina do enact:

Section 1. Chapter 501 of the Session Laws of 1953 is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of January, 1955.

H. B. 18 CHAPTER 6

AN ACT TO AMEND THE CHARTER OF THE CITY OF SALISBURY BY REQUIRING COUNCIL MEETINGS TO BE HELD AS OFTEN AS TWICE MONTHLY INSTEAD OF ONCE WEEKLY.

The General Assembly of North Carolina do enact:

Section 1. Section 8 of Chapter 231 of the Private Laws of 1927, as amended by Chapter 178 of the Private Laws of 1929, be and the same is hereby further amended by striking out the first sentence appearing therein and inserting in lieu thereof the following:

"The Council shall fix suitable times for its regular meetings, which shall be as often as twice monthly."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of January, 1955.

S. B. 33 CHAPTER 7

AN ACT TO AMEND ARTICLE 4 OF CHAPTER 15 OF THE GENERAL STATUTES SO AS TO PROVIDE FOR THE ISSUANCE OF SEARCH WARRANTS FOR NARCOTIC DRUGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-25 is amended by inserting between the comma following the word "premises" and the word "any" in line 5 of said Section the words and punctuation "any narcotic drugs as defined in Article 5 of Chapter 90 of the General Statutes,". G. S. 15-25 is further amended by inserting between the word "such" and the word "stolen" in line 22 of said Section the words and punctuation "narcotic drugs,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby

repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of February, 1955.

S. B. 38 CHAPTER 8

AN ACT TO AMEND G. S. 7-274 SO AS TO AUTHORIZE THE CLERK OR DEPUTY CLERK OF THE GENERAL COUNTY COURT OF HALIFAX COUNTY TO ISSUE CRIMINAL WARRANTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-274 is hereby amended by striking out the word "Halifax" as the same appears in line 13.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of February, 1955.

H. B. 28 CHAPTER 9

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF STOKES COUNTY TO SELL AND CONVEY THE TRACT OF LAND AND BUILDINGS SITUATED THEREON FORMERLY USED BY THE COUNTY IN CONNECTION WITH THE OPERATION AND MAINTENANCE OF THE COUNTY HOME FARM.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Stokes County is hereby authorized and empowered to sell at public or private sale the entire tract of land and buildings situated thereon known as the County Home Farm or such part or parts thereof as in the discretion of the board will not be needed for public purposes. If the sale is made at public auction, notice of the sale shall be published once a week for two successive weeks in a newspaper of general circulation in the county. After any such public sale, the board of county commissioners is authorized to reject any bid which in the opinion of the board is not considered to be the fair market value of the partial or entire tract of land offered. If, after public auction, the board of county commissioners rejects the highest bid made, further public auctions may be held or the partial or entire tract of land may be sold privately for a higher price.

Sec. 2. In carrying out the provisions of this Act the Board of County Commissioners of Stokes County may execute all necessary deeds and may employ an auction company to assist with subdividing and selling the property involved but shall not pay any company so employed more than

four per cent (4%) of the sales price as confirmed by the board of county commissioners.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of February, 1955.

H. B. 58 CHAPTER 10

AN ACT TO AMEND G. S. 1-109, RELATING TO PROSECUTION BONDS, SO AS TO PLACE THE STATE ON THE SAME BASIS AS CITIES AND TOWNS WITH RESPECT TO EXEMPTION THEREFROM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-109 is hereby amended by inserting the words "the State of North Carolina or any of its agencies, commissions or institutions, or to" immediately following the word "to" and immediately preceding the word "counties", in line 3 of paragraph 3, and by inserting the words "the State of North Carolina or any of its agencies, commissions or institutions, and" immediately following the word "that" and immediately preceding the word "counties" in line 4 of paragraph 3.

Sec. 2. This Act shall apply to pending litigation, and all actions or proceedings heretofore instituted by the State of North Carolina or its agencies shall be valid as if the provisions of this Act had at all times been the law of the land.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of February, 1955.

S. B. 22 CHAPTER 11

AN ACT TO AMEND G. S. 153-38 SO AS TO PROVIDE FOR THE PAYMENT OF THE EXPENSES BY GRANVILLE COUNTY OF THE COUNTY AUDITOR, THE CLERK TO THE BOARD OF COUNTY COMMISSIONERS, AND THE COUNTY ATTORNEY IN ATTENDING MEETINGS OF THE STATE ASSOCIATION OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-38 is amended by adding at the end thereof a new paragraph to read as follows:

"In Granville County, the Board of County Commissioners is authorized, in its discretion, to pay the expenses of the County Auditor, the Clerk to

the Board of County Commissioners, and the County Attorney in attending meetings of the State Association of County Commissioners."

Sec. 2. All action heretofore taken by the Board of County Commissioners of Granville County in paying the expenses of the officials named in Section 1 of this Act in attending meetings of the State Association of County Commissioners is hereby validated, ratified, and confirmed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

S. B. 34 CHAPTER 12

AN ACT TO AMEND CHAPTER 465 OF THE SESSION LAWS OF 1949 TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ROWAN COUNTY IN ITS DISCRETION TO ADD THE DUTIES AND POWERS OF COUNTY TAX SUPERVISOR TO THOSE NOW BEING PERFORMED BY THE COUNTY TAX COLLECTOR.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 465 of the Session Laws of 1949 is hereby amended by rewriting Section 4 thereof to read as follows: "Sec. 4. The Board of County Commissioners of Rowan County may, in its discretion, add the duties and powers of County Tax Supervisor to those now being performed by the County Auditor or by the County Tax Collector and, in such event, may pay such County Auditor or County Tax Collector such additional compensation for such services as, in its discretion, it may deem appropriate."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

S. B. 35 CHAPTER 13

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF ROWAN COUNTY TO EXTEND THE PERIOD DURING WHICH IT MAY SIT IN 1955 AS A BOARD OF EQUALIZATION AND REVIEW.

WHEREAS, the Board of County Commissioners of Rowan County are in the process of revaluing taxable property in Rowan County; and

WHEREAS, the revaluation was not completed on January 1st, 1955, the day upon which tax listing began; and

WHEREAS, the said County Commissioners, acting as a Board of Equalization and Review from March 21st to April 11th, 1955, will not

have sufficient time to properly consider all complaints likely to arise on account of such revaluations: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners in its discretion may extend the period during which it may sit in the year 1955 as a Board of Equalization and Review until such time as it has completed the work of hearing and determining complaints relating to revaluation; but said extension shall end on or before October 1st, 1955.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

S. B. 101 CHAPTER 14

AN ACT TO AMEND CHAPTER 788 OF THE SESSION LAWS OF 1953 SO AS TO APPOINT A MEMBER OF THE BOARD OF EDUCATION OF BRUNSWICK COUNTY TO SERVE OUT THE UNEXPIRED TERM OF RAY WALTON.

WHEREAS, Ray Walton was named in Chapter 788 of the Session Laws of 1953 to serve on the Board of Education of Brunswick County for a term of two years; and

WHEREAS, Ray Walton having been elected Senator from the Tenth Senatorial District to serve in the 1955 General Assembly resigned from his position as a member of the Board of Education of Brunswick County: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 788 of the Session Laws of 1953 is hereby amended so as to provide that Thomas St. George is appointed a member of the Board of Education of Brunswick County to serve for the unexpired term of Ray Walton.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

H. B. 6 **CHAPTER 15**

AN ACT TO REPEAL CHAPTER 522 OF THE SESSION LAWS OF 1953, RELATING TO COUNTY POLICEMEN OF MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 522 of the Session Laws of 1953 is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

H. B. 15 **CHAPTER 16**

AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS OF PERSON COUNTY FROM 3 TO 5, AND TO AMEND G. S. 153-5.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-5 is hereby amended by adding at the end thereof a paragraph reading as follows:

"There shall be elected in Person County at the general election to be held in the year 1956 and every two years thereafter by the duly qualified voters thereof, a board of county commissioners composed of five persons who shall serve for a term of two years from the first Monday in December after their election and until their successors are elected and qualified."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

H. B. 16 **CHAPTER 17**

AN ACT TO AMEND CHAPTER 105 OF THE GENERAL STATUTES SO AS TO CHANGE THE TIME FOR FILING STATE INCOME TAX RETURNS BY PERSONS OTHER THAN CORPORATIONS FROM THE FIFTEENTH DAY OF MARCH TO THE FIFTEENTH DAY OF APRIL IN EACH YEAR, AND TO CONFORM THE STATE LAW TO THE FEDERAL LAW AS TO THE TIME FOR FILING RETURNS.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of G. S. 105-155 is hereby amended by rewriting said paragraph to read as follows:

"Returns shall be in such form as the Commissioner of Revenue may from time to time prescribe, and shall be filed with the Commissioner at his

main office, or at any branch office which he may establish. The return of every person reporting on a calendar year basis shall be filed on or before the fifteenth day of April in each year, and the return of every person reporting on a fiscal year basis shall be filed on or before the fifteenth day of the fourth month following the close of the fiscal year. The return of a corporation reporting on a calendar year basis shall be filed on or before the fifteenth day of March in each year, and the return of a corporation reporting on a fiscal year basis shall be filed on or before the fifteenth day of the third month following the close of the fiscal year. In case of sickness, absence, or other disability or whenever in his judgment good cause exists, the Commissioner may allow further time for filing returns."

Sec. 2. Subsection (1) of G. S. 105-157 is hereby amended by rewriting the subsection to read as follows:

"(1) Except as otherwise provided in this Section, the full amount of the tax payable as shown on the face of the return shall be paid to the Commissioner of Revenue at the office where the return is filed at the time fixed by law for filing the return.

"If the taxpayer is a person reporting on a calendar year basis and the amount of tax exceeds fifty dollars ($50.00), payment may be made in two equal installments: one-half at the time of filing the return, and one-half on or before the fifteenth day of September following the date the return was originally due to be filed, with interest on the deferred payment at the rate of four per cent (4%) per annum from the date the return was originally due to be filed. If the taxpayer is a person reporting on a calendar year basis and the amount of the tax exceeds four hundred dollars ($400.00), payment may be made in four equal installments: one-fourth at the time of filing the return, one-fourth on or before the fifteenth day of June following the date the return was originally due to be filed, one-fourth on or before the fifteenth day of September following the date the return was originally due to be filed, and one-fourth on or before the fifteenth day of December following the date the return was originally due to be filed, with interest on deferred payments at the rate of four per cent (4%) per annum from the date the return was originally due to be filed.

"If the taxpayer is a person reporting on a fiscal year basis or a corporation reporting on either a calendar year or fiscal year basis and the amount of the tax exceeds fifty dollars ($50.00), payment may be made in two equal installments: one-half on the date the return is filed, and one-half on or before the fifteenth day of the sixth month following the month in which the return was originally due to be filed, with interest on the deferred payment at the rate of four per cent (4%) per annum from the date the return was originally due to be filed. If the taxpayer is a person reporting on a fiscal year basis or a corporation reporting on either a calendar year or fiscal year basis and the amount of the tax exceeds four hundred dollars ($400.00), payment may be made in four equal installments: one-fourth at the time of filing the return, one-fourth on or before the fifteenth day of the third month following the month in which the return was originally due to be filed, one-fourth on or before the fifteenth

day of the sixth month following the month in which the return was originally due to be filed, and one-fourth on or before the fifteenth day of the ninth month following the month in which the return was originally due to be filed, with interest on deferred payments at the rate of four per cent (4%) per annum from the date the return was originally due to be filed.

"In the event any deferred payment is not made when due, then the entire balance of the tax will immediately become due and collectible, and interest upon such outstanding balance shall be added at the rate of six per cent (6%) per annum from the date the return was originally due to be filed until paid."

Sec. 3. Notwithstanding any other provisions of this Act, all provisions of G. S. 105-155 and G. S. 105-157 in force immediately preceding the time this Act becomes effective shall continue in full force and effect with respect to all taxes becoming due, and all returns required by law to be filed, before the effective date of this Act.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

H. B. 17 CHAPTER 18

AN ACT TO PERMIT THE CITY OF SALISBURY TO ADOPT CERTAIN STANDARD CODES BY REFERENCE.

The General Assembly of North Carolina do enact:

Section 1. The Governing Body of the City of Salisbury is hereby empowered and authorized to adopt by ordinance the conditions, provisions, limitations, and terms of a plumbing code, an electrical code, a fire prevention code, a building code, and any other standard code which contains rules and regulations printed as a code in book or pamphlet form, by reference to such code, or portions thereof, alone, without setting forth in said ordinance the conditions, provisions, limitations, and terms of such code. When any such code, or portion thereof, shall have been incorporated by reference into any ordinance, as aforesaid, it shall have the same force and effect as though it had been spread at large in such ordinance without further or additional posting or publication thereof; provided, that not less than three copies of such standard code, or portion thereof, shall have been filed for use and examination by the public in the office of the clerk of said city prior to the adoption thereof.

Sec. 2. Whenever any standard code is adopted by reference, as herein provided for, any amendment or amendments to such standard code may also be adopted by reference in like manner. Provided, that not less than three copies of such amendment or amendments be filed in the office of the clerk of said city for use and examination by the public prior to the adoption thereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

H. B. 21 CHAPTER 19

AN ACT TO CHANGE THE TIME FOR FILING STATE INTANGIBLES TAX RETURNS FROM MARCH FIFTEENTH TO APRIL FIFTEENTH OF EACH YEAR.

The General Assembly of North Carolina do enact:

Section 1. (a) G. S. 105-199 is hereby amended by striking out the word "March" in the fourth line of the third paragraph thereof, and by inserting the word "April" in lieu thereof.

(b) G. S. 105-205 is hereby amended by striking out the word "March" in the third line of the second paragraph thereof, and by inserting the word "April" in lieu thereof.

(c) G. S. 105-206 is hereby amended by striking out the word "March" in the second line of the first paragraph thereof, and by inserting the word "April" in lieu thereof.

(d) G. S. 105-206 is hereby further amended by striking out the word "March" in the last line of the second paragraph thereof, and by inserting the word "April" in lieu thereof.

(e) G. S. 105-206 is hereby further amended by striking out the third paragraph thereof as said paragraph appears in the 1953 Cumulative Supplement to the General Statutes and as enacted by Subsection (a) of Section 6 of Chapter 1302 of the Session Laws of 1953.

(f) G. S. 105-209 is hereby amended by striking out the word "March" in the sixth line of the first paragraph thereof, and by inserting the word "April" in lieu thereof.

(g) G. S. 105-211 is hereby amended by striking out the word "March" in the first line of the second paragraph thereof, and by inserting the word "April" in lieu thereof.

Sec. 2. Notwithstanding any other provisions of this Act, all provisions of G. S. 105-199, G. S. 105-205, G. S. 105-206, G. S. 105-209 and G. S. 105-211 in force immediately preceding the time this Act becomes effective shall continue in full force and effect with respect to all taxes becoming due, and all returns required by law to be filed, before the effective date of this Act.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

H. B. 29 **CHAPTER 20**

AN ACT TO AMEND G. S. 1-371 RELATING TO THE ALLOTMENT OF A HOMESTEAD SO AS TO AUTHORIZE A DEPUTY SHERIFF OF CHATHAM COUNTY TO APPOINT APPRAISERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-371 is hereby amended by inserting immediately following the word "Camden" and immediately preceding the word "Chowan", in line 14, the word "Chatham".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

H. B. 41 **CHAPTER 21**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CAMDEN COUNTY TO PAY PREMIUMS ON ALL OFFICIAL BONDS REQUIRED OF THE CLERK OF SUPERIOR COURT OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Camden County shall pay out of the general fund of the county the premiums on any and all official bonds which the Clerk of Superior Court of Camden County is required by law to make and execute.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

H. B. 45 **CHAPTER 22**

AN ACT TO CHANGE THE TIME FOR FILING STATE GIFT TAX RETURNS AND PAYING STATE GIFT TAXES FROM MARCH FIFTEENTH TO APRIL FIFTEENTH OF EACH YEAR.

The General Assembly of North Carolina do enact:

Section 1. (a) G. S. 105-191 is hereby amended by striking out the word "March" in the last line of the first paragraph, and by inserting the word "April" in lieu thereof.

(b) G. S. 105-197 is hereby amended by striking out the word "March" in the eighth line of said Section, and by inserting the word "April" in lieu thereof.

Sec. 2. Notwithstanding any other provisions of this Act, all provisions of G. S. 105-191 and G. S. 105-197 in force immediately preceding the time

this Act becomes effective shall continue in full force and effect with respect to all taxes becoming due, and all returns required by law to be filed, before the effective date of this Act.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

H. B. 53 CHAPTER 23

AN ACT TO AUTHORIZE THE BOARD OF SCHOOL COMMISSIONERS OF THE CITY OF HIGH POINT TO CONVEY CERTAIN PROPERTY TO TRUSTEES OF HIGH POINT COLLEGE, INC.

WHEREAS, by deed dated September 4, 1936, and recorded in Book 793, page 188, office of Register of Deeds for Guilford County, North Carolina, the Board of Education of Methodist Protestant Church in North Carolina, Inc., conveyed certain land to the Board of School Commissioners of the City of High Point without monetary consideration; and

WHEREAS, there has been construction on said land with Federal Works Agency assistance through PWA, a portion of a stadium, baseball field and other facilities; and

WHEREAS, the Board of School Commissioners of the City of High Point is now free from any and all restrictions of Federal Works Agency with reference to the use of said grounds; and

WHEREAS, the trustees of High Point College, Inc., are now desirous that the land herein referred to shall be deeded by the Board of School Commissioners of the City of High Point to said trustees of High Point College subject to the terms and conditions hereinafter set forth: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of School Commissioners of the City of High Point is hereby authorized to transfer title to the land described in Book 793, page 188, office of Register of Deeds for Guilford County, North Carolina, to the Trustees of High Point College, Inc., at private sale, and without consideration of monetary value, except one dollar ($1.00), and also without warranty, express or implied, upon an agreement to be reached between the Board of School Commissioners of the City of High Point and the Trustees of High Point College.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

H. B. 57 CHAPTER 24

AN ACT TO AMEND CHAPTER 201 OF THE PRIVATE LAWS OF 1905 SO AS TO PROVIDE THAT IN THE ELECTION OF THE COMMISSIONERS OF THE TOWN OF MOUNT OLIVE THE VOTER IN ORDER TO HAVE HIS BALLOT COUNTED SHALL CAST A BALLOT FOR AS MANY AS FIVE COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Section Three of Chapter 201 of the Private Laws of 1905, as amended, is hereby amended by adding the following at the end of said Section: "Provided, however, that in such election, in voting for commissioner, the voter shall cast a ballot for as many as five commissioners; otherwise such ballot shall not be counted."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

H. B. 70 CHAPTER 25

AN ACT TO AUTHORIZE THE TOWN OF ENFIELD TO SET UP NEW REGISTRATION BOOKS FOR THE TOWN OF ENFIELD.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Enfield is hereby authorized and empowered to make all necessary arrangements to have transcribed to new registration books in alphabetical order the names of all persons who are now registered in the registration books of the Town of Enfield, and to transcribe all other information in or contents of the present registration books to the new registration books so that after the new registration books are completed, they will conform in all respects to the present or old registration books of the Town of Enfield; provided, however, in transcribing the names of registrants from the old books to the new registration books, the names of any persons known to be dead or who have moved their residence from the Town of Enfield may be omitted from the new registration books. If any person whose name has been so removed from the new registration books because of removal of residence should appear at the same polling place on election day and satisfy the registrar that he or she is entitled under the law to vote in that precinct, the registrar shall put such person's name back on the new book and such person shall be permitted to vote.

Sec. 2. The Board of Commissioners of the Town of Enfield may direct the Town Clerk of Enfield to compile the new books or the board may employ such other persons as it may desire to do the necessary work, and any persons so employed shall be paid such compensation as the board of commissioners may fix as proper.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

H. B. 76 CHAPTER 26

AN ACT TO AMEND CHAPTER 417 OF THE SESSION LAWS OF 1947 RELATING TO THE EMPLOYMENT OF DEPUTY SHERIFFS FOR SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 417 of the Session Laws of 1947 is hereby amended by striking out the word "five" which appears in the third line of said Section, and inserting in lieu thereof the word "eight".

Sec. 2. It is the intent and purpose of this Act to authorize the Board of Commissioners of Surry County in its discretion to employ not more than eight deputy sheriffs for Surry County, and to fix their compensation as now provided by law.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

S. B. 57 CHAPTER 27

AN ACT TO AMEND ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, MAKING SAID ARTICLE INAPPLICABLE TO BUILDING CONTRACTS FOR RESTORATION OF HISTORIC BUILDINGS FROM FUNDS PROVIDED FROM PRIVATE SOURCES.

The General Assembly of North Carolina do enact:

Section 1. Article 8 of Chapter 143 of the General Statutes be and the same hereby is amended by adding an additional Section to read as follows:

"This Article shall not apply to building contracts let by a State agency for restoration of a historic building or structure where the cost of the restoration of such building or structure is provided entirely by funds donated from private sources for such purposes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1955.

S. B. 85 CHAPTER 28

AN ACT TO SUPPLEMENT APPROPRIATIONS HERETOFORE MADE TO THE EASTERN CAROLINA INDIAN TRAINING SCHOOL IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the Contingency and Emergency Fund for the fiscal year 1954-55 the sum of thirteen thousand five hundred dollars ($13,500.00) to the Eastern Carolina Indian Training School in Sampson County to be used by the trustees of said institution for the completion of its water and sewerage system, its central heating system and the two additional classrooms authorized by Chapter 1170 of the Session Laws of 1953.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1955.

H. B. 8 CHAPTER 29

AN ACT AMENDING G. S. 40-19 AND VALIDATING ACTS DONE IN CONFORMITY THEREWITH, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 40-19 is hereby amended by deleting the fifth sentence thereof, which reads as follows:

"A certified copy of such judgment under the seal of the court shall be registered in the county where the land is situated, and a copy of the same, or the original certified, may be given in evidence in all actions and proceedings as deeds for land are now allowed to be read in evidence." And by inserting in lieu thereof the following sentence:

"The original of such judgment or a certified copy thereof, such original or certified copy to be under the seal of the court if recorded outside the county in which the court rendering the judgment is located, shall be registered in the county where the land is situated, and the original judgment or a certified copy thereof or a certified copy of the registered instrument may be given in evidence in all actions and proceedings as deeds for land are now allowed to be read in evidence."

Sec. 2. All judgments heretofore registered in such manner as to comply with the requirements of G. S. 40-19 as amended by this Act are hereby validated and declared to be legal and binding.

Sec. 3. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1955.

H. B. 92 CHAPTER 30

AN ACT TO AMEND ARTICLE 12 OF CHAPTER 14 OF THE GENERAL STATUTES RELATING TO PUNISHMENT FOR PUBLIC DRUNKENNESS IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 12 of G. S. 14-335 is amended by inserting between the word "in" and the word "Edgecombe" the word "Craven".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1955.

H. B. 164 CHAPTER 31

AN ACT TO VALIDATE PAYMENT MADE BY THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY TO RURAL POLICEMEN OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The expenditure of all money by the Board of County Commissioners of Cumberland County in payment of salaries and expenses of rural policemen appointed by the board but who fail to qualify for office or were disqualified are hereby in all respects approved and validated.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1955.

S. B. 72 CHAPTER 32

AN ACT AUTHORIZING THE COUNTY OF BUNCOMBE TO ISSUE NOT EXCEEDING ONE MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS AIRPORT BONDS, THE MAXIMUM MATURITY OF SUCH BONDS TO BE THIRTY YEARS, NOTWITHSTANDING ANY LIMITATIONS WITH RESPECT THERETO IN THE COUNTY FINANCE ACT, AND PROVIDING FOR AN ELECTION THEREON.

The General Assembly of North Carolina do enact:

Section 1. Bonds of the County of Buncombe may be issued pursuant to Article 9, Chapter 153, of the General Statutes of North Carolina (The County Finance Act), for the purpose of acquiring, constructing and improving airports and landing fields for the use of airplanes and other aircraft, as authorized by clause (k) of Section 153-77 of said General Statutes, as amended, in an aggregate principal amount not exceeding one

million six hundred fifty thousand dollars ($1,650,000.00), notwithstanding the limitation relating to net indebtedness for other than school purposes contained in Section 153-87 of said Article, the proceeds of said bonds to be used with any other available funds for said purpose.

Sec. 2. Notwithstanding any limitation on maturities contained in Section 153-80 of said Article, the period within which said bonds may be provided to mature shall be 30 years from a day not later than one year after the passage of the order authorizing the issuance of said bonds.

Sec. 3. The taking effect of an order authorizing the issuance of said bonds shall be dependent upon the approval of the order by the voters of said County of Buncombe at an election held for such purpose, and in the event that there shall be filed with the governing body of said County a petition requesting the holding of such election signed by qualified voters of said County not less in number than fifteen per cent (15%) of the number of qualified voters of said county who voted for Chairman of the Board of County Commissioners of Buncombe County at the last preceding election for that office, said governing body shall forthwith call an election for such purpose, subject to all applicable provisions of law. No new registration of voters for such election shall be had.

Sec. 4. The powers conferred by this Act are in addition to and not in substitution of the powers conferred by the County Finance Act or any other law.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1955.

S. B. 94 CHAPTER 33

AN ACT TO AMEND PART 7 OF ARTICLE 34 OF CHAPTER 106 OF THE GENERAL STATUTES, RELATING TO THE RABIES LAW IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of the administration of Part 7 of Article 34 of Chapter 106 of the General Statutes, relating to the administration of the State Rabies Law in Edgecombe County, the term "owner" as used therein shall mean the owner of a dog or one who harbors or has custody or possession of a dog.

Sec. 2. G. S. 106-372, as it appears in the 1953 Supplement to the General Statutes, is amended by adding at the end thereof a new paragraph to read as follows:

"In Edgecombe County, the Rabies Inspector shall collect from the owner of each dog vaccinated as provided for in § 106-368, not more than one dollar ($1.00), to be fixed by the board of county commissioners for each dog, the same to be credited on the dog tax when certificate of vaccination is presented to the sheriff or tax collector of said county. Any

owner who fails to have his dog vaccinated at the time the Rabies Inspector is in the township in which the owner resides as provided in § 106-368 shall have said dog vaccinated in accordance with § 106-371 and shall pay the Rabies Inspector the additional sum of one dollar ($1.00) to be retained by him for each dog treated: Provided, that in cases where dogs are vaccinated in accordance with § 106-371, the total charge for such treatment shall not exceed one dollar ($1.00) to be fixed by the board of county commissioners, only fifty cents (50c) of which shall be credited on such dog tax."

In Edgecombe County the vaccination of dogs may be performed by a licensed veterinarian, and if performed within the time prescribed by G. S. 106-367-372 the owner shall receive the same credit on his dog tax as though the vaccination were performed by the Rabies Inspector.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1955.

S. B. 67 CHAPTER 34

AN ACT TO CLARIFY AND MODERNIZE THE LISTS OF PERSONAL PROPERTY TO BE PRINTED ON COUNTY AND MUNICIPAL AD VALOREM TAX ABSTRACTS.

The General Assembly of North Carolina do enact:

Section 1. Section 105-306 of the General Statutes, as amended in 1953, is amended by striking out Subsection (10) thereof and by substituting the following therefor:

"(10) A list of horses, mules, cattle, hogs, sheep, goats, and other livestock, poultry, fowls, and dogs, with the number and value of each class shown separately."

Sec. 2. Section 105-306 of the General Statutes, as amended in 1953, is further amended by striking out Subsection (12) thereof and by substituting the following therefor:

"(12) The amount and value of farm machinery, farm utensils, farm tractors, tractor-operated machinery, dairy equipment, saw mills, power mowers, garden tractors, portable irrigation equipment, wagons, and other vehicles."

Sec. 3. Section 105-306 of the General Statutes, as amended in 1953, is further amended by striking out Subsection (19) thereof and by substituting the following therefor:

"(19) The number and value of radios, phonographs, television sets, musical instruments, and home electrical, gas, and mechanical appliances."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 10th day of February, 1955.

H. B. 100 CHAPTER 35

AN ACT TO PROVIDE FOR THE ENROLLMENT OF HOUSE BILL NO. 99 ENTITLED AN ACT ADOPTING VOLUMES 1A, 1B, AND 1C OF THE GENERAL STATUTES OF NORTH CAROLINA, TO PROVIDE THAT SAID BILL SHALL NOT BE PRINTED IN THE VOLUME OF PUBLIC LAWS OF 1955 REQUIRED TO BE PRINTED UNDER G.S. 147-43.2, AND TO PROVIDE FOR THE CODIFICATION AND INCORPORATION OF THE PUBLIC LAWS ENACTED IN THE 1955 GENERAL ASSEMBLY INTO THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Insofar as G. S. 120-22, as amended, requires the typewriting and proofreading of each Bill for enrollment for ratification, said Section shall not apply to House Bill No. 99, entitled "An Act Adopting Volumes 1A, 1B and 1C of the General Statutes of North Carolina," which has been proofread by the staff of the Attorney General and certified by him to have been prepared and published under the supervision of the Department of Justice of the State of North Carolina and it shall be a sufficient compliance with said provisions of that Section and a sufficient enrollment and ratification of House Bill No. 99 to submit for ratification the printed Bill and Volumes actually enacted by the General Assembly, to be signed by the presiding officers of both Houses of the General Assembly in the proper manner and form on some blank page at or near the end of the Bill or Volumes.

Sec. 2. House Bill No. 99 is hereby exempted from the provisions of G. S. 147-43.2 requiring that all Session Laws be printed under the direction of the Secretary of State, and it shall be omitted from the Volumes of the Session Laws of 1955 which the Secretary of State is directed under G. S. 147-43.2 to cause to be printed.

Sec. 3. The Division of Legislative Drafting and Codification of Statutes of the State Department of Justice, under the direction and supervision of the Attorney General, shall complete and perfect Volumes 1A, 1B, and 1C of the General Statutes, as enacted by the present General Assembly, the same being House Bill No. 99, by causing to be inserted in the Cumulative Supplements thereto all such general public statutes as may be enacted at the present or subsequent Sessions of the General Assembly and all amendments, in their proper place in Sections under the appropriate Chapters and Subdivisions of Chapters, and by deleting all Sections or portions of Sections found to be expressly repealed, or found to be repealed by virtue of the repeal of any cognate Sections or parts of Sections of the Consolidated Statutes, General Statutes of North Carolina, or

Session Laws, and by deleting repealed provisions and substituting in lieu thereof all proper amendments of the General Statutes or of cognate Sections of the Consolidated Statutes or Session Laws; and the Division is hereby authorized to change the number of Sections and Chapters, transfer Sections, Chapters and Subdivisions of Chapters and make such other corrections which do not change the law, as may be found by the Division necessary in making an accurate, clear, and orderly statement of said laws. After the completion of such codification of the General and Public Laws of 1955, such laws as they appear in the printed volumes of the General Statutes or replacement volumes thereof, shall be deemed an accurate codification of the Statutes of 1955 contained therein.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1955.

H. B. 111 CHAPTER 36

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HOPE MILLS, CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 349 of the Laws of 1891 is hereby amended by striking out the word "three" in line one and inserting in lieu thereof the word "five".

Sec. 2. Section 3 of Chapter 349 of the Laws of 1891 is hereby further amended by striking out the words "of each and every year" in line two of said Section and inserting in lieu thereof the words "of any election year".

Sec. 3. Chapter 349 of the Laws of 1891 is hereby further amended by adding the following new Section thereto:

"**Sec. 3½.** At the municipal election held in the Town of Hope Mills in 1955 there shall be elected a mayor and five commissioners. At such election the two persons running for the office of commissioner receiving the greatest number of votes shall be declared elected to hold office for four years and the three persons running for commissioner who receive the next greatest number of votes shall be declared elected to hold office for two years. Thereafter as the terms of office of the commissioners expire their successors shall be elected for terms of four years each. The Mayor of the Town of Hope Mills shall hold office for four years and until his successor is elected and qualified."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1955.

H. B. 141 **CHAPTER 37**

AN ACT TO AUTHORIZE THE TOWN OF MOCKSVILLE TO TRADE CERTAIN LAND LOCATED WITHIN THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The Town of Mocksville is hereby authorized and empowered to convey and trade to Mr. Oren Heffner the land described in Section 2 of this Act, which land is now owned by and located in the Town of Mocksville but not being used for governmental or other like purposes in return for land owned by Oren Heffner which land is of substantially the same value and is more particularly described in Section 3 of this Act.

Sec. 2. The property which the Town of Mocksville will exchange for the property mentioned in Section 3 of this Act is described as follows:

"BEGINNING at an iron stake in the southern edge of Depot Street 90 feet, South 85 degrees East from the point of intersection of the southern edge of Depot Street with the town square of the Town of Mocksville; and running thence South 4 degrees West 95 feet to an iron stake; thence South 85 degrees East 20 feet to an iron stake; thence North 4 degrees East 90 feet to an iron stake in the southern edge of Depot Street; thence North 85 degrees West 20 feet to the point and place of the beginning."

Sec. 3. The property which Oren Heffner will exchange for the property mentioned in Section 2 of this Act is described as follows:

"BEGINNING at an iron stake at the southern edge of Depot Street 114 feet, South 85 degrees East from the intersection of the southern edge of Depot Street with the town square of the Town of Mocksville and running thence South 4 degrees West 84 feet to an iron stake; thence South 85 degrees East 20 feet to an iron stake; thence North 4 degrees East 84 feet to an iron stake; thence North 85 degrees West 20 feet to the point and place of the beginning."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1955.

S. B. 95 **CHAPTER 38**

AN ACT TO VALIDATE THE OFFICIAL ACTS OF LEWIS HEILBRONER, OF NO. 1 TOWNSHIP, EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All of the official acts of Lewis Heilbroner, of Edgecombe County, performed under color of his office by virtue of his appointment on the 1st day of April, 1947, are hereby, in all respects, confirmed, ratified and validated.

Sec. 2. This Act shall not be construed as validating any marriage ceremony performed by Lewis Heilbroner between persons either of which

has entered into a subsequent valid marriage contract. All children born of a marriage performed by Lewis Heilbroner are hereby legitimatized.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

H. B. 49 CHAPTER 39

AN ACT TO AMEND G. S. 1-93 SO AS TO EXPRESSLY EXCLUDE A SUIT FOR THE COLLECTION OF TAXES AND THE FORECLOSURE OF TAX LIENS FROM THE PROVISIONS OF SAID SECTION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-93 is hereby amended by striking out the period at the end of said Section and inserting in lieu thereof a comma, and by adding after the inserted comma the following words: "and provided further that this Section shall not be applicable to suits for the collection of taxes and foreclosure of tax liens pursuant to the provisions of Article 27 of Chapter 105 of the General Statutes or other actions or proceedings of which the Superior Court has exclusive, original jurisdiction".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

H. B. 80 CHAPTER 40

AN ACT PROVIDING FOR THE APPORTIONMENT OF THE NET PROFITS DERIVED FROM THE OPERATION OF ABC STORES IN CASWELL COUNTY BETWEEN THE COUNTY AND THE COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 18-57 be and the same is hereby amended by adding at the end thereof a paragraph reading as follows:

"Provided that the net profits derived from the operation of liquor control stores in the County of Caswell shall be divided as follows: thirty per cent (30%) shall be paid quarterly to the General Fund of the county, and seventy per cent (70%) shall be paid quarterly to the Treasurer of the County Board of Education for the use and benefit of the public schools of the county."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

H. B. 81 CHAPTER 41

AN ACT REWRITING SECTION 15, CHAPTER 360 OF THE PUBLIC-LOCAL LAWS OF 1939, AND FIXING THE TERM OF OFFICE OF THE TAX SUPERVISOR AND TAX COLLECTOR OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 15 of Chapter 360 of the Public-Local Laws of 1939 be and the same is hereby rewritten to read as follows:

"On or immediately after the first Monday in December 1956, the Board of County Commissioners and the Board of Education of Caswell County shall meet in joint session to elect a tax supervisor and tax collector for said county. At this joint meeting, the members of the two boards shall vote as individuals and not as boards or commissioners. A majority of the members of these two boards shall constitute a quorum and when a majority of the members present shall vote for a particular candidate he shall be declared elected. At the joint session held in December 1956 a tax supervisor and tax collector for Caswell County shall be elected to serve until the first day of July 1957. The successor to the person chosen as such tax supervisor and tax collector shall be appointed by a joint session of the Board of County Commissioners and the Board of Education held on the first Monday in May 1957 and biennially thereafter. The person elected as tax supervisor and tax collector for said county shall, by the first Monday in June following his election, arrange for an official bond satisfactory to the Board of County Commissioners and the County Board of Education, and shall qualify for the term for which he has been elected on the first day of July following his election."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

H. B. 83 CHAPTER 42

AN ACT PROVIDING FOR A COUNTY-WIDE REVALUATION OF PROPERTY IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Caswell County is hereby authorized and empowered in its discretion to provide for a county-wide

revaluation of all property located in Caswell County, both real property and personal property, for the purpose of levying, collecting and assessing of county ad valorem taxes and for such other purposes as such revaluation may be provided by law. The revaluation provided in this Act may be conducted at any time during the calendar years 1955 and 1956, and shall be in lieu of all revaluations which may have heretofore been required by law.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

H. B. 99 CHAPTER 43

AN ACT ADOPTING VOLUMES 1A, 1B AND 1C OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. The Chapters, Subchapters, Articles and Sections now comprising Volume 1 of the General Statutes of North Carolina, and Cumulative Supplements thereto, consisting of Sections 1-1 through 27-59, now in force, as amended, are hereby re-enacted and designated Volumes 1A, 1B and 1C respectively of the General Statutes of North Carolina. This enactment of Volumes 1A, 1B and 1C shall not be construed to invalidate or repeal any Acts which have been passed during the 1955 Session of the General Assembly, prior to the ratification of this Act, nor shall this enactment include any appended annotations, editorial notes, comments and cross references, legislative or historical references, or other material connected or supplemental to the said Chapters, Subchapters, Articles and Sections, but not contained in the body hereof.

(PRINTED VOLUMES DESIGNATED HEREIN AND ATTACHED HERETO ARE DEPOSITED IN THE OFFICE OF THE SECRETARY OF STATE AND MADE UNNECESSARY TO ENROLL IN THIS CHAPTER.)

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

H. B. 109 CHAPTER 44

AN ACT VALIDATING SALES OF LAND FOR TAXES IN THE COUNTY OF ROBESON AND MUNICIPALITIES THEREIN MADE DURING THE YEARS OF 1953 AND 1954, AND CONFIRMING SETTLEMENTS AND ADJUSTMENTS OF TAXES HERETOFORE MADE BY THE GOVERNING BODY OF ROBESON COUNTY AND THE GOVERNING BODIES OF THE MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

Section 1. All sales of tax certificates and all sales for failure to pay taxes held, conducted or made by the Tax Collector of Robeson County or of any municipality or taxing district therein, made during the years 1953 and 1954, on any date subsequent to or different from the date prescribed by law and all certificates of sale executed or issued pursuant to and in accordance with such sale be, and the same are hereby confirmed and validated and said sales and said certificates are of the same force and effect as if the sales had been conducted on the date authorized by law.

Sec. 2. All settlements and adjustments of taxes heretofore made by or under authority of the Board of Commissioners of Robeson County or by or under authority of the governing board of any municipality in Robeson County, be, and the same are hereby, confirmed and validated.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. The provisions of this Act shall not apply to pending litigation.

Sec. 5. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

H. B. 116 CHAPTER 45

AN ACT TO AMEND G. S. 1-95 AND G. S. 1-96 RELATING TO THE EXTENSION OF LIFE OF SUMMONS IN CIVIL ACTIONS AND DISCONTINUANCE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-95 as it appears in the 1953 Supplement to the General Statutes is amended by adding a new paragraph at the end thereof to read as follows:

"As an alternate method of extending the life of a summons in those cases where the defendant in a civil action or special proceeding is not served with summons within twenty days, the plaintiff may sue out an alias or pluries summons, returnable in the same manner as original process. An alias or pluries summons may be sued out at any time within ninety days after the date of issue of the next preceding summons in the chain of summonses. Provided, however, that in case of tax suits and special assessment foreclosure suits brought under the provisions of Section 105-391 and Section 105-414, as amended, an alias or pluries summons may be sued out at any time within two years after the issuance of the original summons,

whether any intervening alias or pluries summons has heretofore been issued or not, and after the issuance of such alias or pluries summons, the chain of summonses may be kept up as in any other action."

Sec. 2. G. S. 1-96 is amended by inserting after the comma following the word "endorsements" and before the word "within" in lines 1 and 2 of said Section the words "or failure to keep the chain of summonses issued against a party, but not served,".

Sec. 3. This Act shall apply to pending litigation.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

H. B. 121 CHAPTER 46

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF TROY, IN MONTGOMERY COUNTY, TO SELL CEMETERY LOTS OWNED BY THE TOWN OF TROY AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Troy, in Montgomery County, is authorized to sell at private sale any and all cemetery lots owned by said town without the necessity of selling the same at public auction as required by G. S. 160-59.

Sec. 2. All actions heretofore taken by the Board of Commissioners of the Town of Troy in selling cemetery lots at private sale are hereby, in all respects, confirmed, ratified and validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

H. B. 126 CHAPTER 47

AN ACT AMENDING G. S. 14-335 SO AS TO FIX THE PUNISHMENT FOR PUBLIC DRUNKENNESS IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 14-335(1), as the same appears in Volume 1B of the General Statutes of North Carolina and the 1953 Supplement thereto, be and the same is hereby amended by inserting between the word "Orange" and the word "Perquimans" in the fifth and sixth lines thereof the word "Pamlico."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

H. B. 127 CHAPTER 48

AN ACT AUTHORIZING THE BOARD OF ALDERMEN OF THE TOWN OF CANTON, NORTH CAROLINA TO ADJUST ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the Town of Canton, North Carolina, is hereby authorized to adjust, remit and release sewer, street improvement and sidewalk assessments, where in the opinion of the Board it would be unjust or inequitable to charge assessments, or a part thereof, where the assessments are of little or no value to the abutting property, or the property against which the assessments have been levied is not benefited thereby.

Sec. 2. The Board of Aldermen of the Town of Canton is authorized to adjust and remit and cancel assessments against abutting property of churches where the property is used exclusively for church purposes and is not income producing.

Sec. 3. The Board of Aldermen of the Town of Canton is authorized to adjust and release sewer assessments against abutting property on corner lots, for a distance of not exceeding one-fourth (¼) of the perimeter of the lot or where the sewer line on one side of the abutting property is of no benefit to the corner lot.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

H. B. 128 CHAPTER 49

AN ACT RELATING TO FILING CLAIMS AGAINST THE TOWN OF CANTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. No action shall be instituted or maintained against the Town of Canton, North Carolina upon any claim or demand whatsoever, of any kind or character, until the claimant shall have first presented his or her claim or demand in writing to the board of aldermen, and said board of aldermen shall have declined to pay or settle the same as presented, or for thirty days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto.

Sec. 2. No action for damages against said town, of any kind or character whatsoever, to either person or property, shall be instituted or main-

tained against said town unless, within ninety days after the happening or infliction of the injury complained of, unless the complainant, his executors or administrators, shall have given notice in writing to the board of aldermen of such injury, giving the time, circumstances and nature of the injuries, and damages claimed to have been sustained.

Sec. 3. The Statute of Limitations shall not begin to run until the expiration of thirty days from the filing of such demand or claim, or the refusal of said board to pay such claim, provided such demand shall have been made within thirty days from the time the cause of action arose.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

H. B. 129 CHAPTER 50

AN ACT TO AMEND CHAPTER SIXTY-SEVEN, PRIVATE LAWS OF 1933, AS AMENDED BY CHAPTER 631 OF THE PUBLIC-LOCAL LAWS OF 1937, RELATING TO THE POLICE COURT OF THE TOWN OF CANTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 1 of Chapter 631, Public-Local and Private Laws of 1937 is amended by striking out that portion of the same which reads as follows: "For his services he shall be paid a salary of not less than forty dollars ($40.00) nor more than seventy-five dollars ($75.00) per month, to be determined by the Board of Aldermen of said town."

Sec. 2. The Prosecuting Attorney of the Police Court of the Town of Canton, North Carolina, shall be paid a salary for his services, which shall be determined by the Board of Aldermen of said town.

Sec. 3. The Judge of the Police Court of the Town of Canton, North Carolina, shall be paid a salary for his services, which shall be determined by the Board of Aldermen of said town.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

S. B. 110 **CHAPTER 51**

AN ACT TO APPOINT ANDREW J. BARTON, OF MURPHY, TO THE CHEROKEE COUNTY BOARD OF EDUCATION TO FILL OUT AN UNEXPIRED TERM CAUSED BY RESIGNATION OF A MEMBER.

The General Assembly of North Carolina do enact:

Section 1. That Andrew J. Barton, of Murphy and Cherokee County, be, and he is hereby, appointed a member of the Board of Education of Cherokee County for the purpose of filling the unexpired term of Lawson Lunsford, who has resigned from said board; that the said Andrew J. Barton herein appointed shall hold office as a member of said Board of Education of Cherokee County until the first Monday in April, 1957, or until his successor is duly elected and qualified.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1955.

H. B. 72 **CHAPTER 52**

AN ACT TO AMEND CHAPTER 641, SESSION LAWS OF 1949, RELATING TO THE CORPORATION LIMITS LINES OF THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 641, Section 3, of the Session Laws of 1949, be and the same is hereby amended so as to exclude from within the perimeter description of the corporation limits lines of the City of Monroe, as set forth in said Act, the following described lands, viz:

Beginning at a point where the East right-of-way line of North Carolina Highway No. 200 intersects Bearskin Creek, and running thence along and with the various meanderings of said Creek approximately 1221 feet to an iron on the bank of said Creek; thence S. 60 deg. 10 min. W. 544.5 feet to an iron; thence N. 15 deg. 20 min. W. 132 feet to an iron; thence S. 75 deg. 25 min. W. 478.5 feet to an iron; thence N. 17 deg. 10 min. W. 264 feet to an iron; thence S. 76 deg. W. 262 feet to the East right-of-way line of North Carolina Highway No. 200; thence along the East right-of-way of said highway N. 31 deg. East 1155 feet to the beginning.

Sec. 2. The lands above described in Section 1 of this Act shall not be subject to ad valorem taxes by the City of Monroe for the year 1955 and subsequent years.

Sec. 3. Except as expressly changed by the provisions of this Act, all of the provisions contained in Chapter 641, Session Laws of 1949, shall be and remain in full force and effect.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1955.

H. B. 102 CHAPTER 53

AN ACT TO REWRITE G. S. 164-11.1 RELATING TO THE SUPPLEMENTS TO THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 164-11.1 is hereby rewritten to read as follows:

"The 1945, 1947, 1949, 1951, 1953, and 1955 Cumulative Supplements to the General Statutes of North Carolina, or to any replacement or recompiled volumes of the General Statutes as compiled and published by The Michie Company under the supervision of the Department of Justice of the State of North Carolina, are hereby constituted and declared to be prima facie evidence of the laws of North Carolina contained in said Supplements."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1955.

H. B. 105 CHAPTER 54

AN ACT TO AMEND CHAPTER 1160 OF THE SESSION LAWS OF 1953 SO AS TO INCLUDE WILKES COUNTY WITHIN THE PROVISIONS OF THE ACT RELATING TO THE FILING OF PAPERS BY THE CLERKS OF SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1160 of the Session Laws of 1953 is hereby amended by inserting immediately after the word "of" and immediately before the word "Mecklenburg", in line 1 of said Section, the word "Wilkes" and inserting a comma after the inserted word.

Sec. 2. Section 2 of Chapter 1160 of the Session Laws of 1953 is hereby amended by inserting after the colon in line 1 thereof and before the word "Mecklenburg" in lines 1 and 2 thereof the word "Wilkes" and inserting a comma after the inserted word.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1955.

H. B. 123 **CHAPTER 55**

AN ACT TO AMEND G. S. 14-401.5 RELATING TO THE PRACTICE OF PHRENOLOGY, PALMISTRY, FORTUNE TELLING OR CLAIRVOYANCE.

The General Assembly of North Carolina do enact:

Section 1. That the last sentence of G. S. 14-401.5 is hereby amended by inserting after the word "Bladen" and before the word "Camden" the words "Buncombe and Perquimans".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1955.

H. B. 124 **CHAPTER 56**

AN ACT TO AUTHORIZE THE ATTORNEY GENERAL TO DESIGNATE ONE MEMBER OF HIS STAFF AS AN ADDITIONAL ASSISTANT ATTORNEY GENERAL.

WHEREAS, the Attorney General desires, without increasing the size of his staff, to designate a member of his staff to be an additional assistant attorney general; and

WHEREAS, the legal work required by the Department of Revenue and the Department of Motor Vehicles has increased greatly during the past several years; and

WHEREAS, the member of the Attorney General's staff now principally engaged in this activity necessarily makes many appearances in the Superior Courts and the Supreme Court performing the functions and duties of an assistant attorney general; and

WHEREAS, it is desirable that the staff member performing these duties have the title of assistant attorney general: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Attorney General is authorized to appoint an assistant attorney general, in addition to those now provided by law, to be assigned to the Department of Revenue and the Department of Motor Vehicles, and such assistant attorney general shall also perform such additional duties as may be assigned to him by the Attorney General, and shall otherwise be subject to all provisions of the statutes relating to assistant attorneys general.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1955.

H. B. 165 **CHAPTER 57**

AN ACT TO ELIMINATE NECESSITY OF PRISONER SERVING ADDITIONAL TIME WHEN CONCURRENT SENTENCES CALL FOR DIFFERENT PLACES OF CONFINEMENT.

The General Assembly of North Carolina do enact:

Section 1. When by a judgment of a court or by operation of law a prison sentence runs concurrently with any other sentence a prisoner shall not be required to serve any additional time in prison solely because the concurrent sentences are for different grades of offenses or that it is required that they be served in different places of confinement.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1955.

S. B. 40 **CHAPTER 58**

AN ACT TO REWRITE SECTION 15-41 OF THE GENERAL STATUTES RELATING TO THE RIGHT OF OFFICERS TO ARREST WITHOUT WARRANT.

The General Assembly of North Carolina do enact:

Section 1. Section 15-41 of the General Statutes of North Carolina is hereby amended and rewritten to read as follows:

"A peace officer may without warrant arrest a person:

"(a) When the person to be arrested has committed a felony or misdemeanor in the presence of the officer, or when the officer has reasonable ground to believe that the person to be arrested has committed a felony or misdemeanor in his presence;

"(b) When the officer has reasonable ground to believe that the person to be arrested has committed a felony and will evade arrest if not immediately taken into custody."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1955.

S. B. 102 **CHAPTER 59**

AN ACT TO AMEND CHAPTER 1160 OF THE SESSION LAWS OF 1953 RELATING TO THE FILING OF PAPERS BY THE CLERK OF THE SUPERIOR COURT OF GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1160 of the Session Laws of 1953 is amended by inserting in line 1 of said Section between the word "of" and the word "Mecklenburg" the word "Gaston,".

Sec. 2. Section 2 of Chapter 1160 of the Session Laws of 1953 is amended by inserting between the colon following the word "only" and before the word "Mecklenburg" in lines 1 and 2 of said Section the word "Gaston,".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1955.

S. B. 132 **CHAPTER 60**

AN ACT TO PROVIDE FOR AN ELECTION TO BE HELD IN THE TOWN OF TARBORO IN EDGECOMBE COUNTY TO DETERMINE WHETHER CERTAIN SECTIONS OF THE GENERAL STATUTES SHALL BE AMENDED INSOFAR AS THEY PERTAIN TO THE FORM OF GOVERNMENT AND TO THE NUMBER AND ELECTION OF THE MEMBERS OF THE CITY COUNCIL AND THE ELECTION OF MAYOR OF THE TOWN OF TARBORO.

The General Assembly of North Carolina do enact:

Section 1. Section 160-296 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro the filing of a petition with the Board of Elections of Edgecombe County shall not be necessary or prerequisite to the holding of an election as hereinafter provided."

Sec. 2. Section 160-297 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro the filing of a petition with the Board of Elections of Edgecombe County shall not be necessary or prerequisite to the holding of an election as hereinafter provided."

Sec. 3. Section 160-298 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro within ten days after this Act is ratified the County Board of Elections of Edgecombe County shall call an election in accordance with the provisions of this Article. The Board

of Elections shall cause notice of such election to be given at least once a week for four weeks in some newspaper of general circulation in Edgecombe County and the date of such election shall be fixed by the Board not later than forty days from the ratification of this Act. The notice shall be signed by the Chairman of the County Board of Elections, and the cost of publication thereof and other costs of the election paid by the Town of Tarboro. The election shall be held under, and governed and controlled by, the laws in force at the time of such election governing regular elections of the Town of Tarboro."

Sec. 4. Section 160-300 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro all ballots used in the election shall contain the information and be substantially in the form provided for in the following Section."

Sec. 5. Section 160-301 of the General Statutes of North Carolina is hereby amended by adding at the end the following proviso:

"Provided that in the Town of Tarboro, the ballots shall be printed substantially as follows:

SPECIAL MUNICIPAL ELECTION

To vote for either plan or form of government make a cross in the appropriate square to the left of the form of your choice.

☐ For the City Manager Form of Government, with a Mayor elected at large, eight City Councilmen elected according to wards, and a City manager appointed by the City Council.

☐ For the retention of the Present Form of Government with a Mayor elected at large and eight Commissioners elected according to wards.

Sec. 6. Section 160-338 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro the method of government herein provided for shall be known as Plan D Modified. Upon the adoption of Plan D Modified by the Town of Tarboro in the manner prescribed by Article 21 of this subchapter, such plan shall become operative, and the powers of government of such town shall be exercised, as provided herein and in Article 21."

Sec. 7. Section 160-340 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro the City Council shall consist of eight members, one from each of the eight wards of the city. Each councilman shall be a resident of the ward he represents and shall be elected by only the qualified voters of that ward and shall be elected for a term of two years and until his successor is elected and qualified."

Sec. 8. Section 160-341 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro all the legislative powers of the town shall be vested in the Mayor and City Council. The City Council

elected as aforesaid shall meet on Wednesday after the first Monday of May in each election year, and the members of the City Council and the Mayor shall severally take oath before the City Clerk, or Clerk of the Superior Court or Justice of the Peace to perform faithfully the duties of their respective offices. The City Council shall thereupon be organized by the choice from its members of a mayor pro tem., who shall hold his office during the pleasure of the City Council. The organization of the City Council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve, or non-election of one or more of the members: Provided that at least a simple majority of the persons entitled to be members of the City Council are present and make oath as aforesaid. Any member entitled to make the aforesaid oath, who was not present at the time fixed therefor, may make oath at any time thereafter."

Sec. 9. Section 160-343 of the General Statutes of North Carolina is hereby amended by adding at the end the following proviso:

"Provided that in the Town of Tarboro the affirmative votes of at least a majority of the members of the City Council present, or the affirmative votes of the Mayor and of one-half of the members of the City Council present shall be necessary for the passage of any order, ordinance, resolution, or vote."

Sec. 10. Section 160-345 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro the Mayor shall be a resident of the Town of Tarboro and shall be elected by the qualified voters of the entire town at large, and no candidate for the office of Mayor shall be a candidate for membership on the City Council. The Mayor shall be elected for a term of two years and until his successor is elected and qualified, and in case of vacancy in the office of Mayor, the members of the City Council shall choose from their own number his successor for the unexpired term. The election for Mayor shall be held at the same time and in the same manner as the election of the Councilmen for the Town of Tarboro."

Sec. 11. Section 160-346 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro the salary of the members of the Council shall be established by a vote of at least a majority of its members, taken by call of the yeas, and nays, subject to the foregoing limitation as to the amount."

Sec. 12. Section 160-347 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro the Mayor and Council may by a majority vote elect from their membership or from the qualified voters of the Town of Tarboro a Treasurer and may fix his salary in such sum as they deem proper, and such person may also hold the position of City Clerk if so determined by a majority vote of the Council."

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1955.

S. B. 111 CHAPTER 61

AN ACT TO AMEND G. S. 105-327, RELATING TO THE HARNETT COUNTY BOARD OF EQUALIZATION AND REVIEW.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-327(5) is amended by adding at the end thereof the following:

"In Harnett County, the County Board of Equalization and Review shall complete its duties for 1955 not later than the fifth Monday following its first meeting."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1955.

H. B. 42 CHAPTER 62

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF CATAWBA COUNTY TO PURCHASE FROM P. W. HERMAN AND WIFE, A CERTAIN TRACT OF LAND IN NEWTON TOWNSHIP, CATAWBA COUNTY, IN DEFERRED PAYMENTS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Catawba County is hereby authorized and empowered to purchase from P. W. Herman and wife, Ina L. Herman, a certain piece or parcel of land containing five and one-half acres, more or less, in Newton Township, Catawba County, North Carolina, for school purposes at the price of fifty thousand and seven hundred dollars $50,700.00 upon the following terms: The payment of twelve thousand six hundred and seventy-five dollars ($12,675.00) cash upon the execution and delivery to said board of a good and sufficient warranty deed conveying said property to said board of education in fee simple; the balance of thirty-eight thousand and twenty-five dollars ($38,025.00) to be paid in three annual installments of twelve thousand six hundred and seventy-five dollars ($12,675.00) each. Said Board of Education and the Board of Commissioners of Catawba County are hereby authorized and empowered to execute and deliver to the said P. W. Herman and wife one installment promissory note in the amount of thirty-eight thousand and twenty-five dollars ($38,025.00) representing said deferred payments of twelve thousand six hundred and seventy-five dollars ($12,675.00)

each, said installments being due and payable as follows: First installment, November 1, 1955; second installment, November 1, 1956; and third and final installment, November 1, 1957, and said installment promissory note bearing interest at the rate of three per centum (3%) per annum from date of note until paid.

Sec. 2. The purchases of the above mentioned parcel of land is necessary for the proper administration and conducting of the county schools of Catawba County for the six months term as required by the Constitution.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1955.

H. B. 56 CHAPTER 63

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF WATAUGA COUNTY TO SELL AND CONVEY THE TRACT OF LAND AND BUILDINGS SITUATED THEREON FORMERLY USED BY THE COUNTY IN CONNECTION WITH THE OPERATION AND MAINTENANCE OF THE COUNTY HOME FARM.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Watauga County is hereby authorized and empowered to sell at public sale the entire tract of land and buildings situated thereon known as the County Home Farm or such part or parts thereof as in the discretion of the board will not be needed for public purposes. Notice of the sale shall be published once a week for two successive weeks in a newspaper of general circulation in the county. After any such public sale, the board of county commissioners is authorized to reject any bid which in the opinion of the board is not considered to be the fair market value of the partial or entire tract of land offered. If, after public auction, the board of county commissioners rejects the highest bid made, further public auctions may be held or the partial or entire tract of land may be sold privately for a higher price.

Sec. 2. In carrying out the provisions of this Act the Board of County Commissioners of Watauga County may execute all necessary deeds and may employ an auction company to assist with subdividing and selling the property involved but shall not pay any company so employed more than four per cent (4%) of the sales price as confirmed by the board of county commissioners.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified. This the 16th day of February, 1955.

H. B. 59 CHAPTER 64

AN ACT TO AMEND G. S. 62-26.16 SO AS TO EXEMPT STATE DEPARTMENTS, INSTITUTIONS AND AGENCIES FROM PAYING FEES AND CHARGES TO THE NORTH CAROLINA UTILITIES COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Sub-paragraph (g) of G. S. 62-26.16 is hereby amended by inserting the word "or" immediately before the word "town" in line seven, striking out the comma immediately following the word "town" in line seven, inserting a period in lieu thereof and striking out the remainder of said subsection which reads as follows: "or by any board, department, commission, institution or other agency of the State of North Carolina."

Sec. 2. G. S. 62-26.16 is hereby further amended by adding the following new paragraph at the end thereof:

"The fees and charges as set forth in sub-paragraphs (a), (g), (i) and (j) of this Section shall not apply to the State of North Carolina or to any board, department, commission, institution or other agency of the State; and all applications, petitions or complaints submitted by the State of North Carolina or any board, department, commission, institution or other agency of the State shall be filed without the payment of the fees required by this Section. All transcripts, papers, orders, certificates, or other records necessary to perfect an appeal, or to determine whether an appeal is to be taken, shall be furnished without charge to the Attorney General upon his request in cases in which the Attorney General appears in the public interest or as representing any board, department, commission, institution or other agency of the State."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1955.

H. B. 77 CHAPTER 65

AN ACT AUTHORIZING THE APPOINTMENT OF A VICE-RECORDER FOR THE RECORDER'S COURT OF CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The County Commissioners of Craven County, at a regular or special meeting called for that purpose, shall have authority to elect a vice-recorder for the Recorder's Court of Craven County, who shall have

the same qualifications as provided for the recorder. The vice-recorder shall preside at the request of and during the absence of the recorder and while so presiding over terms of the recorder's court shall have the same jurisdiction and authority as that conferred upon the recorder. The vice-recorder shall receive the compensation allowed to the recorder for such services, for the time that he may render such services, the compensation of the vice-recorder to be deducted from the salary of the recorder.

The vice-recorder elected as above provided shall hold office until the next regular election wherein county officers are elected, and the board of county commissioners shall thereafter elect a vice-recorder for the same term as the recorder shall have been elected.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1955.

H. B. 120 CHAPTER 66

AN ACT TO AMEND AN ACT CREATING THE BOARD OF CEMETERY COMMISSIONERS FOR THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 199, Private Laws of 1921, is amended to read as follows:

"**Sec. 2.** There is hereby established a Board of Cemetery Commissioners for the City of Concord consisting of six members, who shall be appointed by the Board of Aldermen, of which Board the Mayor of the City of Concord shall be ex officio chairman. At all meetings of the Board the Mayor shall preside but shall vote only in case of a tie."

Sec. 2. Section 3 of Chapter 199, Private Laws of 1921, is rewritten to read as follows:

"**Sec. 3.** At the regular meeting in June, 1955, the board of aldermen shall appoint two commissioners, who shall serve for a term of one year, two commissioners who shall serve for a term of two years, and two commissioners who shall serve for a term of three years. Upon the expiration of their original terms of office, each succeeding term shall be for three years and until their successors qualify for office."

Sec. 3. Section 4 of Chapter 199, Private Laws of 1921, is repealed.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after June 9, 1955.

In the General Assembly read three times and ratified, this the 18th day of February, 1955.

H. B. 169 **CHAPTER 67**

AN ACT TO AMEND G. S. 143-129 RELATING TO THE LETTING OF CONTRACTS BY THE CITY OF KERNERSVILLE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-129 is hereby amended by striking out in lines 5 and 6 the words and figures "one thousand dollars ($1,000)" and inserting in lieu thereof the words and figures "two thousand dollars ($2,000)".

Sec. 2. This Act shall apply only to the City of Kernersville.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1955.

H. B. 23 **CHAPTER 68**

AN ACT TO AMEND ARTICLE 24 OF CHAPTER 105 OF THE GENERAL STATUTES SO AS TO PROVIDE DISCOUNTS FOR THE PREPAYMENT OF TAXES IN THE CITY OF KINGS MOUNTAIN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-345 as amended is hereby further amended by adding the following subsection at the end thereof:

"However, subsections 1, 2 and 6 hereby shall not apply to tax levied by the City of Kings Mountain and should any taxpayer of the City of Kings Mountain make payment of his taxes in the months of August through October following the levy thereof, he shall be entitled to the following discounts:

"If paid before or during the month of August a deduction of two per cent (2%).

"If paid during the month of September, a deduction of one per cent (1%).

"If paid during the month of October, a deduction of one-half of one percent (½ of 1%).

"Taxes levied by the City of Kings Mountain shall be payable at par during the months of November, December, and January next after same shall have become due and payable."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. B. 32 CHAPTER 69

AN ACT TO AMEND G. S. 115-46, RELATING TO THE COMPENSATION OF MEMBERS OF THE COUNTY BOARD OF EDUCATION IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-46 is amended by adding at the end thereof the following:

"In Catawba County, each member of the board of education of said county shall receive for his services in attending the regular, recessed, and special meetings of the board of education, fifteen dollars ($15.00) per meeting not to exceed three hundred dollars ($300.00) compensation during any fiscal year."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. B. 38 CHAPTER 70

AN ACT TO REPEAL CHAPTER 313 OF THE SESSION LAWS OF 1945, CHAPTER 313 OF THE SESSION LAWS OF 1951, AND CHAPTER 727 OF THE SESSION LAWS OF 1947, AND TO PROVIDE FOR THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF EDUCATION OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 313 of the Session Laws of 1945, Chapter 313 of the Session Laws of 1951, and Chapter 727 of the Session Laws of 1947 are hereby repealed.

Sec. 2. As compensation for their services on the Board of County Commissioners of Camden County and the Board of Education of Camden County, the members of each board, with the exception of the chairman of each board, shall receive the sum of ten dollars ($10.00) per day for attendance upon meetings or for each day spent in the discharge of their official duties, and in addition thereto, such members shall receive travel allowance at the rate of seven cents (7c) per mile while traveling on official business from their respective homes to the place of meeting of the board and return, said distance to be computed by the usual route of public travel.

Sec. 3. The Chairman of the Board of County Commissioners of Camden County and the Chairman of the Board of Education of Camden County shall each receive the sum of fifteen dollars ($15.00) per day for

attendance upon meetings of their respective boards or for each day spent in the discharge of their official duties, together with the mileage as provided for other members of their respective boards.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. B. 39 CHAPTER 71

AN ACT TO FIX THE COMPENSATION OF REGULAR AND GRAND JURORS IN CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provisions of the law to the contrary, all regular jurors serving in the Superior Courts of Camden County and all grand jurors in said county shall be paid the sum of five dollars ($5.00) per day for each day's service as jurors, and in addition thereto, such jurors shall receive travel allowance at the rate of seven cents (7c) per mile while traveling to and from their respective homes in order to attend court or to perform the services for which they have been summoned, said mileage to be computed by the usual route of public travel.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this 22nd day of February, 1955.

H. B. 40 CHAPTER 72

AN ACT TO AMEND G. S. 162-7 RELATING TO THE FEES OF THE SHERIFF OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section. 1. G. S. 162-7 is hereby amended by adding the following at the end thereof:

"In addition to any other fees now allowed by law and which are not in conflict herewith, the Sheriff of Camden County shall collect the following fees:

"1. Serving summons in civil actions or special proceedings and serving all civil notices and citations, one dollar and fifty cents ($1.50) for each defendant served.

"2. For each arrest in criminal actions, two dollars and fifty cents ($2.50)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this 22nd day of February, 1955.

H. B. 60 **CHAPTER 73**

AN ACT TO AMEND G. S. 31-3.4, 31-8.1, AND 31-10 RELATING TO THE EXECUTION AND PROBATE OF WILLS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 31-3.4 (a) (1) is hereby rewritten to read as follows:

"(1) Written entirely in the handwriting of the testator but when all the words appearing on a paper in the handwriting of the testator are sufficient to constitute a valid holographic will, the fact that other words or printed matter appear thereon not in the handwriting of the testator, and not affecting the meaning of the words in such handwriting, shall not affect the validity of the will, and".

Sec. 2. G. S. 31-10 is hereby amended by designating the present Statute as subsection (a) and by inserting immediately following subsection (a) a new subsection to be designated as subsection (b) and to read as follows:

"(b) A beneficiary under a holographic will may testify to such competent, relevant and material facts as tend to establish such holographic will as a valid will without rendering void the benefits to be received by him thereunder."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. B. 61 **CHAPTER 74**

AN ACT TO AMEND ARTICLE 29A OF CHAPTER 1 OF THE GENERAL STATUTES RELATING TO JUDICIAL SALES SO AS TO AUTHORIZE THE JUDGE OR CLERK TO ORDER A PUBLIC OR PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. Article 29A of Chapter 1 of the General Statutes is hereby amended by inserting a new Section immediately following G. S. 1-339.3 and immediately preceding G. S. 1-339.4, to be numbered as G. S. 1-339.3A, and to read as follows:

"G. S. 1-339.3A. Judge or clerk may order public or private sale. The Judge or Clerk of the Superior Court having jurisdiction has authority in his discretion to determine whether a sale of either real or personal property shall be a public or private sale. Any private sale conducted under an order issued prior to July 1, 1955 by a Judge or Clerk of the Superior Court having jurisdiction is hereby validated as to the order that such sale be a private sale."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. B. 87 CHAPTER 75

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF ROCKINGHAM COUNTY TO CONVEY CERTAIN LANDS TO THE BOARD OF TRUSTEES OF THE MADISON CITY SCHOOL ADMINISTRATIVE UNIT.

WHEREAS, the Board of Education of Rockingham County holds title to the lands and the school property at the Madison High School, Madison Elementary School, Charles Drew School and Intelligence School in Rockingham County, and it is now desirous that title to said lands and said school property be transferred to the Board of Trustees for the Madison City School Administrative Unit in order that State funds can be spent for the construction of a building designed to be used as a combination gymnasium and auditorium at the Charles Drew School, and for the construction of other buildings on said school properties: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Rockingham County is hereby authorized and empowered to execute a good and sufficient deed of conveyance and any and all instruments of conveyance that may be necessary to convey and transfer the title to the lands and school property at the Madison High School, Madison Elementary School, Charles Drew School and Intelligence School in Rockingham County, North Carolina, to the Board of Trustees of the Madison City School Administrative Unit.

Sec. 2. Said Board of Education of Rockingham County is hereby authorized and empowered to do any and all things that may be necessary to effectuate and make a good and valid conveyance to said lands and school properties, and to convey and give good title to same to the said Board of Trustees of the Madison City School Administrative Unit.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. B. 118 CHAPTER 76

AN ACT TO ALLOCATE THE SUM OF $65,000.00 FROM APPROPRIATIONS MADE TO STATE HOSPITAL AT RALEIGH BY SECTION 2 OF CHAPTER 1148 OF THE SESSION LAWS OF 1953 TO THE STATE HOSPITAL AT GOLDSBORO.

WHEREAS, by Section 2 of Chapter 1148 of the Session Laws of 1953, there was appropriated under item 6 the sum of one million five hundred

thousand dollars ($1,500,000.00) for the renovation of male wing at said hospital; and, whereas, in this renovation there has been a considerable saving of funds; and, whereas, there is an urgent need of the expenditure of a portion of this saving at the State Hospital at Goldsboro for the renovation of the Jones Building at said hospital; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby allocated from the appropriations to the State Hospital at Raleigh by Section 2, item 6, of Chapter 1148 of the Session Laws of 1953 the sum of sixty-five thousand dollars ($65,000.00). The sum so allocated shall be expended for the renovation of the Jones Building at the State Hospital at Goldsboro.

Sec. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. B. 119 CHAPTER 77

AN ACT TO AMEND G. S. 160-2, SUBSECTION 3, RELATING TO AUTHORITY OF MUNICIPALITIES TO PURCHASE LAND FOR CEMETERIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-2, subsection 3, is amended by striking out the words "twenty thousand", in line 2, and inserting in lieu thereof the words "fifteen thousand".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. B. 122 CHAPTER 78

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF STAR, IN MONTGOMERY COUNTY, TO FIX THE SALARY OF THE MAYOR OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Star, in Montgomery County, is authorized, in its discretion, to fix the salary of the Mayor of said Town in an amount not to exceed the sum of twenty-five dollars ($25.00) per month.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective as of January 1, 1955.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. B. 137 **CHAPTER 79**

AN ACT TO AMEND CHAPTER 166 OF THE GENERAL STATUTES SO AS TO EXTEND THE EXISTENCE OF CIVIL DEFENSE AGENCIES OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 166-13, as it appears in the 1953 Supplement to the General Statutes, is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. B. 140 **CHAPTER 80**

AN ACT TO AMEND SECTION 7 OF CHAPTER 84 OF THE PUBLIC-LOCAL LAWS OF 1921 FIXING THE SALARY OF THE JAILOR OF DAVIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 7 of Chapter 84 of the Public-Local Laws of 1921 is hereby amended by striking out in line nine of said Section the words "by the Board of Commissioners of Davie County" and inserting in lieu thereof the words "at the rate of one hundred dollars ($100.00) per month, which compensation shall be in addition to any fees now received under other provisions of law."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. B. 142 **CHAPTER 81**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF DAVIE COUNTY TO PROVIDE FOR THE APPOINTMENT OF ONE ADDITIONAL FULL TIME DEPUTY IN THE SHERIFF'S DEPARTMENT AND TO FIX HIS COMPENSATION AND TRAVEL ALLOWANCE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Davie County is hereby authorized and empowered to pass a resolution authorizing the appointment of one full time deputy sheriff in addition to the deputy sheriff now authorized by law.

Sec. 2. After passage of the resolution by the board of commissioners pursuant to Section 1 of this Act, the Sheriff of Davie County is authorized and empowered to appoint one additional full time deputy sheriff, who shall receive a salary of two hundred dollars ($200.00) per month and a travel allowance of fifty dollars ($50.00) per month.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. B. 182 CHAPTER 82

AN ACT REGULATING THE PAY OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF EDUCATION OF PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 551, Session Laws of 1945 be and the same is hereby rewritten to read as follows:

"Each member of the Board of Education of Perquimans County shall receive for his services the sum of fifteen dollars ($15.00) plus mileage at the rate of seven cents (7c) per mile each way for each day he attends a regular or special meeting of the Board. In addition to the pay set out above for each member of the Board of Education, the Chairman of said Board shall receive the sum of one hundred dollars ($100.00) per annum for extra work for services during the year."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. B. 31 CHAPTER 83

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF THE TRYON CITY ADMINISTRATIVE UNIT AS A SPECIAL BOND TAX UNIT AND THE LEVY OF TAXES WITHIN SUCH UNIT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt of a petition, signed by not less than ten per cent (10%) of the qualified voters of the territory embraced within the Tryon City Administrative School Unit and described in such petition,

praying that bonds or notes be issued under the provision of this Act, the Board of County Commissioners of Polk County shall order a special election to be held in such school district for the purpose of voting upon the question of issuing bonds or notes and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings, including gymnasiums, agricultural buildings, shops, school cafeterias and other necessary buildings, and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the board of county commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records, which shall be conclusive of all the facts therein found and determined. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, unless the district or unit is coterminous with a city, town or township (in which event the notice shall so state), the maximum amount of bonds or notes to be issued, the purpose or purposes for which the bonds or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds or notes. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturday. The books of such new registration shall close on the second Saturday before election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballots, shall be in substantially the words: "For the issuance of $..... School Bonds or Notes and the levying of a sufficient tax for the payment thereof," and "Against the issuance of $..... School Bonds or Notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (X) mark. The petition herein provided for shall be filed with the Board of Commissioners of Polk County and referred to the Board of Elections of Polk County to determine the sufficiency thereof, and upon a finding by said

board that the petition meets the requirements of this Section, the chairman of said board shall file a certificate to that effect with the Chairman of said Board of Commissioners of Polk County.

Sec. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Polk County, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Polk County as aforesaid and the other filed with the Clerk of the Superior Court of Polk County. The Board of County Commissioners of Polk County shall prepare a statement showing the number of votes cast for and against the bonds or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Sec. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding Section.

Sec. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds or notes and the levy of such tax, then the Board of Commissioners of Polk County shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds or notes, which bonds or notes shall be issued in the name of the county, but shall be made payable exclusively out of the taxes to be levied in such district or such unit, except the Board of County Commissioners of Polk County may pay from county funds any part of the principal and interest of said bonds or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners of Polk County may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment, of the same

bond issue. The bonds or notes shall bear interest at a rate not exceeding six per cent (6%) per annum, payable semiannually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the Chairman of the Board of County Commissioners of Polk County, and the seal of the county shall be affixed to or impressed upon each bond or note and attested by the register of deeds or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occuring after such signing.

Sec. 5. The Board of County Commissioners of Polk County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds of notes.

Sec. 6. In the event the boundary lines of the territory embracing the Tryon City Administrative Unit are hereafter changed or altered, this Act shall apply to and within the territory embracing said unit at the time of the filing of the petition and the holding of the election as provided for in this Act. No change or alteration of the boundary lines of said unit shall in any way affect the validity of this Act.

Sec. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds or notes, or any provisions of law for the payment of bonds or notes issued under such powers, or for the custody of moneys provided for such payment.

Sec. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds or notes and endorsements of such approval upon such bonds or notes and as to the sale of bonds or notes and the disposition of the proceeds, shall be applicable to the bonds or notes authorized by this Act. The proceeds shall be paid out only upon order of the Board of Education of the Tryon City Administrative Unit.

Sec. 9. This Act shall apply only to Tryon City Administrative Unit and Polk County.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 23rd day day of February, 1955.

H. B. 37 CHAPTER 84

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF THE POLK COUNTY ADMINISTRATIVE UNIT AS A SPECIAL BOND TAX UNIT AND THE LEVY OF TAXES WITHIN SUCH UNIT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt of a petition signed by not less than ten per cent (10%) of the qualified voters of the territory embraced within the Polk County Administrative Unit (said unit being hereinafter defined), and described in such petition, praying that bonds or notes be issued under the provisions of this Act, the Board of County Commissioners of Polk County shall order a special election to be held in such school district or unit for the purpose of voting upon the question of issuing bonds or notes and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings, including gymnasiums, agricultural buildings, shops, school cafeterias and other necessary buildings, and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the board of county commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records, which shall be conclusive of all the facts therein found and determined. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, the maximum amount of bonds or notes to be issued, the purpose or purposes for which the bonds or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds or notes. The first publication of the notice shall be at least thirty (30) days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty (30) days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open

for registration of the voters and the place or places at which they will open on Saturday. The books of such new registration shall close on the second Saturday before election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballots, shall be in substantially the words: "For the issuance of $..... School Bonds or Notes and the levying of a sufficient tax for the payment thereof," and "Against the issuance of $..... School Bonds or Notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (X) mark: The petition herein provided for shall be filed with the Board of County Commissioners of Polk County and referred to the Board of Elections of Polk County to determine the sufficiency thereof, and upon a finding by said board that the petition meets the requirements of this Section, the chairman of said board shall file a certificate to that effect with the Chairman of said Board of Commissioners of Polk County.

Sec. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Polk County, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Polk County as aforesaid and the other filed with the Clerk of the Superior Court of Polk County. The Board of County Commissioners of Polk County shall prepare a statement showing the number of votes cast for and against the bonds or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Sec. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of results as provided in the preceding Section.

Sec. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds or notes and the levy of such tax, then the Board of Commissioners of Polk County shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds or notes, which bonds or notes shall be issued

in the name of the county, but shall be made payable exclusively out of the taxes to be levied in such district or such unit, except the Board of County Commissioners of Polk County may pay from county funds any part of the principal and interest of said bonds or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners of Polk County may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment, of the same bond issue. The bonds or notes shall bear interest at a rate not exceeding six per cent (6%) per annum, payable semiannually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the Chairman of the Board of County Commissioners of Polk County, and the seal of the county shall be affixed to or impressed upon each bond or note and attested by the register of deeds or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bond or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 5. The Board of County Commissioners of Polk County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officers collecting other taxes and be applied solely to the payment of principal and interest of such bonds or notes.

Sec. 6. The Polk County Administrative Unit is defined as being all of the territory embraced within the boundary lines of Polk County, North Carolina, except that portion of said county embraced within the boundary lines of the Tryon City Administrative Unit as said City Administrative Unit is constituted at the time of the petition and the holdng of the election as provided for in this Act.

Sec. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds or notes, or any provisions of law for the payment of bonds or notes issued under such powers, or for the custody of moneys provided for such payment.

Sec. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds or notes and endorsements of such approval upon such bonds or notes and as to the sale of bonds or notes and the disposition of the proceeds, shall be applicable to the bonds or notes authorized by this Act. The proceeds shall be paid out only upon order of the Board of Education of the Polk County Administrative Unit.

Sec. 9. This Act shall apply only to the Polk County Administrative Unit as herein defined.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1955.

H. B. 86 CHAPTER 85

AN ACT TO AMEND CHAPTER 901 OF THE SESSION LAWS OF 1949, RELATING TO THE FINANCING OF THE LAW LIBRARY OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Amend Chapter 901 of the Session Laws of 1949 by adding after Section 5 of said Chapter a new Section, which shall be designated as Section 5(a), and which shall read as follows:

"Sec. 5(a). That it shall likewise be the duty of the Clerk of the Cherokee County Recorder's Court, and of all of the Justices of the Peace in Cherokee County, to collect from the defendant in each and every case finally disposed of in their respective courts the sum of one dollar ($1.00), except in cases in which said county is adjudged to pay all costs, which amount shall be paid over to the Clerk of the Superior Court to supplement the library fund, expended by said Clerk in the manner provided in said Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1955.

H. B. 161 **CHAPTER 86**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF NEWPORT, CARTERET COUNTY, TO CONVEY CERTAIN LAND.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Newport, Carteret County, is hereby authorized and empowered in its discretion to lease, deed, or rent with or without consideration and without advertisement or competitive bidding, all or any part of the tracts of land recorded in Book 136, page 61, in Book 143, page 571, in the office of the Register of Deeds of Carteret County, and being more properly described as follows:

TRACT ONE: Beginning at a point in the South side of the Nine Foot Road (common corner of the deeds recorded in Book 129, page 56, and Book 122, page 518, opposite the U. S. Forestry Fire Tower; see map of West Newport Subdivision recorded in Map Book 2, page 134; all in the office of the Register of Deeds of Carteret County), runs thence South 2 degrees 24 minutes East, 359.7 feet to a point (corner 7 of said deeds); thence South 84 degrees 14 minutes East, along the old Newport road approximately 1386 feet to a point; thence in a northwesterly direction crossing the Nine Foot Road, approximately 225 feet to a point on the North side of the said Nine Foot Road (corner 9 of said deeds), and the southeast corner of Lot 3, Section "A", West Newport Subdivision; thence along the North side of the Nine Foot Road, the following courses:

North 72 degrees 50 minutes West; North 75 degrees 10 minutes West; and North 77 degrees 07 minutes West, an approximate distance of 2920 feet to a point in the North side of the Nine Foot Road, which is intersected by the westernmost line of West Newport Subdivision, it being also the southwest corner of Lot 71, Section "A" of the West Newport Subdivision, according to said map; thence South 3 degrees 37 minutes West, 216.8 feet to a point in the center of the old Newport road (corner 22 in said deeds); thence along the center of the old Newport road South 65 degrees 00 minutes East, 694 feet to a ditch in the road (corner 23 of said deeds); thence North 32 degrees 24 minutes East, 159.72 feet to a point (corner 24 of said deeds); thence South 85 degrees 46 minutes East, 1011.12 feet to the point of beginning.

TRACT TWO: Beginning at a point in the center of the Atlantic & North Carolina Railroad (corner 16 of the deeds recorded in Book 129, page 56, and Book 122, page 518; see Map Book 2, page 134; all in the office of the Register of Deeds of Carteret County, N. C.), runs thence along the center of the Atlantic & North Carolina Railroad North 24 degrees 17 minutes West, 2257.2 feet to a point in the center of the railroad (corner 16 of said deeds); thence South 58 degrees 00 minutes West, approximately 440 feet to a point (the northernmost corner of Lot 24, Section "A" of West Newport Subdivision according to said map); thence South 22 degrees 45 minutes East, 1088 feet to a point (the easternmost corner of Lot 16, Section "A", West Newport Subdivision); thence South 19 degrees 00 minutes West, 944 feet to a point in the line of Lot 9, Sec-

tion "A" of West Newport Subdivision (being also a corner of a lot 100 x 100 conveyed to Tide Water Company by deed recorded in Book 133, page 197, office of the Register of Deeds of Carteret County); thence South 75 degrees 04 minutes East, 100 feet to a point; thence South 19 degrees 00 minutes West, 100 feet to a point; thence South 75 degrees 04 minutes East, 204.2 feet to a point (corner 11 of said deeds); thence South 3 degrees 42 minutes West, 132.2 feet to a point (corner 12 of said deeds); thence South 79 degrees 28 minutes East, 246.5 feet to a point (corner 13 of said deeds); thence North 1 degree 10 minutes East, 55 feet to a point (corner 14 of said deeds); thence North 28 degrees 02 minutes East, 318.12 feet to a point (corner 15 of said deeds); thence North 80 degrees 37 minutes East, 520.1 feet to the center of the Atlantic & North Carolina Railroad, the point of beginning.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1955.

H. B. 200 CHAPTER 87

AN ACT TO AMEND CHAPTER 1160 OF THE SESSION LAWS OF 1953 RELATING TO THE FILING OF PAPERS BY THE CLERK OF THE SUPERIOR COURT OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1160 of the Session Laws of 1953 is amended by inserting after the comma following the word "Catawba" and before the word "Perquimans" the word "Durham,".

Sec. 2. Section 2 of Chapter 1160 of the Session Laws of 1953 is amended by inserting after the comma following the word "Catawba" and before the word "Perquimans" the word "Durham,".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 23rd day of February, 1955.

H. B. 230 CHAPTER 88

AN ACT AMENDING CHAPTER 1160, SESSION LAWS OF 1953 SO AS TO REMOVE THE COUNTY OF LENOIR FROM ITS APPLICABLE PROVISIONS.

The General Assembly of North Carolina do enact:

Section 1. That Section 2, Chapter 1160, Session Laws of 1953, be and the same is hereby amended by removing the word "Lenoir" as the same appears between the word "Buncombe" and the word "Gates" in the second line thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1955.

S. B. 27 CHAPTER 89

AN ACT TO AMEND §130-225.2 OF VOLUME 3B OF THE GENERAL STATUTES RELATING TO THE PREVENTION OF THE SPREAD OF TUBERCULOSIS.

The General Assembly of North Carolina do enact:

Section 1. Amend the second paragraph of subsection (c) of Section 130-225.2 of Volume 3B of the General Statutes by adding after the word "sanatorium" and before the word "and" in line 19 of said second paragraph of said subsection and Section the following: "or State sanatorium".

Further amend the second paragraph of subsection (c) of Section 130-225.2 of Volume 3B of the General Statutes by striking out the period appearing after the word "sanatorium", or that portion of said word "sanatorium", appearing in lines 20 and 21 of said second paragraph and by inserting after the word "sanatorium" appearing in said lines 20 and 21 of said second paragraph the following "or State sanatorium".

Further amend said second paragraph of subsection (c) of Section 130-225.2 of Volume 3B of the General Statutes by striking out the word "medical" appearing in line 21 of said second paragraph and by inserting in lieu thereof the word "general".

Further amend said second paragraph of said subsection and Section as designated above by adding the letter "s" to the word "sanatorium" appearing in line 21 of said second paragraph of said subsection and Section.

Sec. 2. Amend the second paragraph of subsection (c) of Section 130-225.2 of Volume 3B of the General Statutes by striking out the words "the central or main sanatorium," and by inserting in lieu thereof the words "any State sanatorium or Veterans Administration Tuberculosis Hospital,".

Sec. 3. Amend the second paragraph of subsection (c) of Section 130-225.2 of Volume 3B of the General Statutes by striking out the last sentence in said paragraph of said subsection.

Sec. 4. Amend G. S. 130-225.2 by adding thereto and at the end of same a new subsection to be designated as subsection (d) which shall read as follows:

"(d). The county of legal residence of such committed person shall be responsible for the regularly established fee for indigent or welfare patients and shall be responsible for this fee during the patient's period of hospitalization in the hospital section of the prison division of the State's Prison."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1955.

S. B. 90 CHAPTER 90

AN ACT TO PROVIDE FOR AND REGULATE THE RETIREMENT OF JUSTICES OF THE SUPREME COURT SUBJECT TO RECALL TO SERVE AS EMERGENCY JUSTICES IN THE PLACE AND STEAD OF ANY ACTIVE MEMBER OF SAID COURT WHO, BY REASON OF ILLNESS, INJURY, OR ANY OTHER CAUSE IS TEMPORARILY IN SUCH CONDITION THAT HE CANNOT PERFORM EFFICIENTLY AND PROMPTLY ALL THE DUTIES OF HIS OFFICE WITHOUT ENDANGERING HIS HEALTH, AS AUTHORIZED BY SECTION SIX OF ARTICLE FOUR OF THE CONSTITUTION AS AMENDED IN ONE THOUSAND NINE HUNDRED FIFTY-FOUR.

The General Assembly of North Carolina do enact:

Section 1. "Justice of the Supreme Court" as herein used shall include the Chief Justice of said Court unless the context clearly indicates a contrary intent.

Sec. 2. "Emergency Justice as herein used shall be construed to mean any Justice of the Supreme Court who has retired subject to recall for temporary service in the place and stead of any active member of said Court as herein provided.

Sec. 3. Every Justice of the Supreme Court who has attained the age of sixty-five (65) years and has served for fifteen (15) years on the Supreme Court or on the Supreme Court and the Superior Court combined, or for twelve (12) years on the Supreme Court, may retire, subject to temporary recall to active service in the place and stead of any Justice of the Supreme Court who, by reason of illness or injury or other cause is temporarily in such condition that he cannot perform efficiently and promptly all the duties and functions of his office without endangering his health.

Sec. 4. The Justices of the Supreme Court who retire under the provisions of this Act are hereby constituted Emergency Justices of the Supreme Court for life as authorized by Article IV, Section 6 of the Constitution as amended in one thousand nine hundred fifty-four, and shall be subject to temporary recall to active service in the place and stead of any Justice of the Supreme Court who is temporarily incapacitated by illness, injury or other cause to the extent that he cannot perform efficiently and promptly all the duties and functions of his office without endangering his health.

Sec. 5. The retirement of any Justice of the Supreme Court under the provisions of this Act shall serve to create a vacancy in his office to be filled as provided by law.

Sec. 6. Upon the request of any Justice of the Supreme Court who has been advised in writing by a reputable and competent physician that, by reason of illness or injury or other cause, he is temporarily incapable of performing efficiently and promptly all the duties of his office without endangering his health, the Chief Justice may recall any Emergency Justice who, in his opinion, is competent to perform the duties of an Associate Justice, to serve temporarily in the place and stead of the Justice in whose behalf he is recalled; provided that when the incapacity of a Justice of the Supreme Court is such that he cannot request the recall of an Emergency Justice to serve in his place and stead, order of recall may be issued by the Chief Justice upon satisfactory medical proof of the facts upon which the order of recall must be based. Any and every order of recall shall be in writing and spread upon the minutes of the Court.

Sec. 7. Any Justice of the Supreme Court who may desire to retire under the provisions of this Act, during his term of office, or at the expiration of his term, shall notify the Governor in writing of his intention so to do. Said notice shall set forth the facts which entitle such Justice to retirement hereunder. Upon receipt of such notice, the Governor of the State of North Carolina shall issue a commission to said Justice as an Emergency Justice of the Supreme Court, which commission shall be for the term of his natural life.

Sec. 8. Any Justice of the Supreme Court who shall retire during his term of office or at the expiration of his term and who qualifies as an Emergency Justice shall receive for life two-thirds of the annual salary from time to time received by the Justices of the Supreme Court, payable monthly. Whenever a Chief Justice retires under the provisions of this Act, he shall receive two-thirds of the annual salary from time to time received by the Chief Justice of the Supreme Court, payable monthly. And in addition thereto, each and every Emergency Justice recalled for temporary active service shall be paid by the State one hundred dollars ($100) for each week of actual service rendered under recall as herein provided, together with his actual expenses, to be paid by the Treasurer upon the warrant of the Auditor upon certificate of the Emergency Justice approved by the Chief Justice.

Sec. 9. One of the primary purposes of this Act is to provide at all times seven members of the Supreme Court who are physically and mentally capable of performing the constantly increasing duties imposed on members of said Court and at the same time to limit the number of members of the Court to seven as contemplated by the Constitution. To that end no Emergency Justice shall have or possess any jurisdiction or authority to hear arguments or participate in the consideration and decision of any cause or perform any other duty or function of a Justice of the Supreme Court except while serving under an order of recall as provided in this Act and in respect to appeals, motions, and other matters heard, considered, and decided by the Court during the period of his temporary service under such order; and the Justice of the Supreme Court in whose behalf an Emergency Justice is recalled to active service shall be disquali-

fied to participate in the consideration and decision of any question presented to the Court by appeal, motion or otherwise in which any Emergency Justice recalled in his behalf participated.

Sec. 10. The Supreme Court is hereby vested with authority to adopt such rules and regulations respecting the filing of opinions prepared by an Emergency Justice to be rendered as the opinion of the Court after his period of temporary service has expired, and any other matter deemed necessary or expedient, not inconsistent with any provision of this Act.

Sec. 11. The Chief Justice is vested with the authority to issue orders of recall and to perform any and all other acts deemed necessary to effectuate the purposes of this Act, and his decisions, when not in conflict herewith, shall be final.

Sec. 12. Whenever the Chief Justice is the Justice in whose behalf an Emergency Justice is recalled to temporary service, the powers, jurisdiction, and authority vested in him as Chief Justice by this Act shall be exercised by the Associate Justice who is senior in point of time served on the Supreme Court.

Sec. 13. The Chief Justice may, at any time, in his discretion cancel any order of recall issued by him or fix the termination date thereof.

Sec. 14. All the provisions of this Act shall be and are hereby made available to any and every Justice of the Supreme Court who has heretofore retired or resigned during his term of office or retired from office at the expiration of his term and who comes within the provisions of Sections 3 and 4 of this Act; and every such former Justice of the Supreme Court is hereby constituted an Emergency Justice of said Court as contemplated by this Act.

Sec. 15. Every Justice of the Supreme Court who has served eight (8) years or more on the Supreme Court, without regard to the age of said Justice, and while still in active service thereon shall have become totally and permanently disabled through accident, physical impairment, or disease to perform efficiently the duties of his office and resigns by reason of such disability or retires at the end of his term of office shall receive for life the annual salary herein provided for Emergency Justices of the Supreme Court, payable monthly; but such Justice shall not be an Emergency Justice. Whenever any Justice of the Supreme Court shall claim to be entitled to be retired on account of total disability through accident, physical impairment, or disease, to perform efficiently the duties of his office, the Governor and Council of State, acting together, shall, after notice and opportunity for hearing is given such Justice, by a majority vote of said body, find the facts with respect thereto from the evidence offered. Such findings of fact shall be reduced to writing and filed with and entered upon the minutes of the Council of State. The findings so made shall be conclusive as to such matters and determine the right of the applicant Justice to the retirement benefits hereunder.

Sec. 16. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the

invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 17. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 18. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1955.

H. B. 68 CHAPTER 91

AN ACT TO AMEND CHAPTER 535 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE ISSUANCE OF SCHOOL BUILDING BONDS IN BEHALF OF SCHOOL DISTRICTS AND THE LEVY OF TAXES WITHIN SUCH DISTRICTS FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 535 of the Public-Local Laws of 1939 be and the same is hereby amended by adding a new Section immediately following Section 10 and immediately preceding Section 11, to be designated as Section 10A, reading as follows:

"Sec. 10A. If, after any school district shall have been created as authorized by this Act, a petition signed by not less than ten per centum (10%) of the qualified voters of any contiguous territory described in such petition, shall be presented to the county board of education of the county in which such school district is located, praying for the enlargement of the boundary lines of such school district so as to include such contiguous territory, the county board of education may present said petition to the county board of commissioners and ask that a special election be held in any contiguous territory, which may be either the territory described in such petition or a part of such territory and any additional territory as may be described by the county board of education, and the county board of commissioners shall order a special election to be held in such contiguous territory as described by the said board of education for the purpose of voting upon the question of the enlargement of the boundary lines of such district so as to include such territory and the levying of a sufficient tax to meet the interest and sinking fund of any outstanding bonds heretofore issued by the district proposed to be enlarged. The form of the question, as stated on the ballot, shall be in substantially the following words: "For the enlargement of the boundary lines of the..... School District of.....County, and the levying of a sufficient tax to meet the interest and sinking fund of any outstanding bonds heretofore issued by such district", and "Against the enlargement of the boundary lines of the.....School District of .....County, and the levying of a sufficient tax to meet the interest and sinking fund of any outstanding bonds heretofore issued by such district", inserting in the blank spaces the name of the school district and the name of the county. In case a majority of those

who shall vote thereon at the election shall vote in favor of the question, the district shall be deemed enlarged as so proposed: Provided, if the boundaries of the school district proposed to be enlarged are coterminous with the boundaries of a city administrative unit which has voted a supplementary tax, the question of the enlargement of the boundary lines of such administrative unit may also be submitted to the voters at said election in the manner provided by law, in which event the form of the question, as stated on the ballot, shall be in substantially the following words: "For the enlargement of the boundary lines of the.....School District of.....County, and the levying of a sufficient tax to meet the interest and sinking fund of any outstanding bonds heretofore issued by such district, and for the enlargement of the boundary lines of.....Administrative Unit of .....County, and the levying of a tax at a rate which shall not exceed.....cents on the one hundred dollar ($100.00) valuation of property in order to supplement the funds from State and county allotments made available to the unit and to operate schools of a higher standard than that provided by State support", and "Against the enlargement of the boundary lines of the.....School District of.....County, and the levying of a sufficient tax to meet the interest and sinking fund of any outstanding bonds heretofore issued by such district; and against the enlargement of the boundary lines of.....Administrative Unit of .....County, and the levying of a tax at a rate which shall not exceed.....cents on the one hundred dollar ($100.00) valuation of property in order to supplement the funds from State and county allotments made available to the unit and to operate schools of a higher standard than that provided by State support", inserting in the blank spaces the name of the school district, the name of the administrative unit and the name of the county, and the rate of the local tax theretofore voted in said unit to which the territory is proposed to be added; and in case a majority of those who shall vote thereon at the election shall vote in favor of the question, the district and unit shall be deemed enlarged as so proposed. An election held pursuant to the provisions of this Section shall be called and held in the manner prescribed by Section 3 and Section 4 of this Act, and the provisions of said Sections relating to the appointments of registrars and judges of election, the publication of notice of election and of registration of voters, the registration of voters, the making of returns, and the determination, declaration and recording of the results of an election shall be applicable to an election held under this Section."

Sec. 2. This Act shall apply only to Randolph County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1955.

H. B. 240 **CHAPTER 92**

AN ACT TO VALIDATE THE ELECTION OF AND THE OFFICIAL ACTS OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF HARRELLSVILLE IN HERTFORD COUNTY AND PROVIDE FOR THE ELECTION OF THE MAYOR AND COMMISSIONERS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The election of the Mayor and Commissioners of the Town of Harrellsville on the first Tuesday in May, 1954, is hereby in all respects validated and confirmed.

Sec. 2. All official acts and procedures performed and taken by the Mayor and Commissioners of the Town of Harrellsville in the performance of their official duties since their election on the first Tuesday in May, 1954, are hereby in all respects confirmed, ratified and validated.

Sec. 3. Section 2 of Chapter 138 of the Private Laws of 1883 is rewritten to read as follows:

"Sec. 2. The Mayor and Commissioners of the Town of Harrellsville now serving in such capacity shall continue to serve until the first Tuesday in May, 1955, and until their successors are elected and qualified. On the first Tuesday in May, 1955, and biennially thereafter, there shall be elected a mayor and five commissioners who shall serve in such capacity for a period of two years and until their successors are elected and qualified."

Sec. 4. It is the purpose of this Act to provide for the election of officials and officers of the Town of Harrellsville under the General Laws of the State as set forth in Article 2 of Chapter 160 of the General Statutes.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1955.

H. B. 242 **CHAPTER 93**

AN ACT TO AMEND G. S. 42-27 RELATING TO THE REFUSAL OF A TENANT OR CROPPER TO PERFORM CONTRACT BY MAKING THE SECTION APPLICABLE TO FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 42-27 (Volume 2A) by inserting after the word "Edgecombe", in the seventh line, and before the word "Franklin", in the eighth line, the word "Forsyth".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1955.

H. B. 243 **CHAPTER 94**

AN ACT TO AMEND SECTION 143-129 AND SECTION 143-131 OF THE GENERAL STATUTES RELATING TO THE LETTING OF PUBLIC CONTRACTS BY THE COUNTY OF FORSYTH.

The General Assembly of North Carolina do enact:

Section 1. Section 143-129 of the General Statutes is hereby amended by striking out in line five the words and figures "one thousand dollars ($1,000.00)" and inserting in lieu thereof the words and figures "two thousand dollars ($2,000.00)".

Sec. 2. Section 143-131 of the General Statutes is hereby amended by striking out in line four thereof the words and figures "one thousand dollars ($1,000.00)" and inserting in lieu thereof the words and figures "two thousand dollars ($2,000.00)".

Sec. 3. This Act shall apply only to the County of Forsyth.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1955.

H. B. 244 **CHAPTER 95**

AN ACT TO AMEND G. S. 152-1 SO AS TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR THE COUNTY OF FORSYTH TO APPOINT AN ASSISTANT CORONER FOR FORSYTH COUNTY, AND TO AMEND G. S. 152-5 WITH RESPECT TO THE COMPENSATION OF THE FORSYTH COUNTY CORONER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 152-1 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"The Board of County Commissioners for the County of Forsyth is hereby authorized, in its discretion, to appoint some fit and suitable person to act as Assistant Coroner for Forsyth County. The person so appointed shall hold office at the pleasure of the Board of County Commissioners and shall take and subscribe to the oaths prescribed for public officers. He shall also execute an undertaking as required of Coroners conditioned upon the faithful discharge of the duties of his office with good and sufficient surety in the penal sum of two thousand dollars ($2,000.00), payable to the State of North Carolina and approved by the said Board of County Commissioners. The Assistant Coroner so appointed shall be invested with all the powers and duties conferred upon the regular Coroner in respect to holding inquests over deceased bodies and shall be subject to the penalties and liabilities imposed on said Coroner. He shall receive such compensation for his services as the Board of County Commissioners may determine."

Sec. 2. G. S. 152-5 is hereby amended by striking out the words "five dollars" where same appears in the second paragraph thereof and inserting in lieu thereof the words "ten dollars".

Sec. 3. The provisions of Sections 152-1 and 152-5 of the General Statutes of North Carolina not in conflict with this Act shall continue to apply to Forsyth County.

Sec. 4. This Act shall apply only to Forsyth County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 24th day of February, 1955.

H. B. 245 CHAPTER 96

AN ACT TO VALIDATE TAX LEVIES AND TAX SALES OF THE TOWN OF AULANDER.

The General Assembly of North Carolina do enact:

Section 1. All acts and things done by the Board of Commissioners of the Town of Aulander or done by direction of said board in listing property for taxes and in levying taxes for all years through and including 1954 are hereby ratified and validated.

Sec. 2. The advertisements, and sales of land for failure to pay taxes to the Town of Aulander and all acts and things done by the Board of Commissioners of the Town of Aulander or by the Tax Collector of the Town of Aulander relating to the advertisements and sales of lands for failure to pay taxes to said town for the years 1952 and 1953 and all tax sales certificates issued for said years are hereby ratified and validated.

Sec. 3. This Act shall not affect pending litigation.

Sec. 4. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1955.

H. B. 249 CHAPTER 97

AN ACT AMENDING G. S. 7-70 SO AS TO FIX THE TERMS OF THE SUPERIOR COURT FOR RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 fixing the terms of the Superior Court for Rutherford County in the Eighteenth Judicial District, Western Division, as the same appears in Volume 1B of the General Statutes, be and the same is hereby rewritten to read as follows:

"Rutherford—First Monday before the first Monday in March, to continue for one week for the trial of both criminal and civil cases, with priority given to civil cases; sixth Monday after the first Monday in March, to continue for two weeks for the trial of both criminal and civil cases, with priority given to civil cases; tenth Monday after the first Monday in March, to continue for two weeks for the trial of both criminal and civil cases, with priority given to criminal cases; sixteenth Monday after the first Monday in March, to continue for two weeks for the trial of both criminal and civil cases, with priority given to civil cases; third Monday after the first Monday in September, to continue for two weeks for the trial of both criminal and civil cases, with priority given to civil cases; ninth Monday after the first Monday in September, to continue for two weeks for the trial of both criminal and civil cases, with priority given to criminal cases."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1955.

S. B. 68 CHAPTER 98

AN ACT TO PROVIDE FOR REIMBURSEMENT FOR ACTUAL COSTS INCURRED BY THE DEPARTMENT OF MOTOR VEHICLES IN FURNISHING LISTS OF MOTOR VEHICLE REGISTRATIONS TO COUNTY PROPERTY TAX OFFICIALS.

The General Assembly of North Carolina do enact:

Section 1. Section 105-315 of the General Statutes is amended by striking out the last sentence of said Section and by substituting the following therefor:

"The Commissioner of Motor Vehicles shall, upon request from any county, send to the supervisor of such county a list of motor vehicles subject to ad valorem taxation in such county as shown by the Commissioner's records of applications filed during the year preceding the day as of which property is to be assessed, and shall charge the county the actual cost incurred by the Commissioner in the preparation of said list, said amount to be used by the Commissioner as compensation for the preparation of said list."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

S. B. 93 **CHAPTER 99**

AN ACT RELATING TO THE CHARTER OF THE TOWN OF LUMBERTON IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 89 of the Private Laws of 1883 is repealed.

Sec. 2. All ordinances heretofore passed by the Governing Board of the Town of Lumberton and the City of Lumberton which were not posted at the courthouse and four other places in the Town of Lumberton for five days as required by Section 47 of the Private Laws of 1883 are hereby in all respects confirmed, ratified and validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

S. B. 109 **CHAPTER 100**

AN ACT TO ESTABLISH A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF LUMBERTON.

The General Assembly of North Carolina do enact:

Section 1. There is hereby established a Supplementary Pension Fund for the Fire Department of the City of Lumberton, said fund to be known as the "Lumberton Firemen's Supplementary Fund," hereinafter referred to as "Supplementary Pension Fund," and said fund to be administered by a board of trustees composed of the Chief of the Fire Department of the City of Lumberton, the Assistant Chief of the Fire Department of the City of Lumberton and a third member of said board to be elected annually, from the membership of the Lumberton Fire Department, by a majority vote of the chief and members of the fire department.

Sec. 2. That all funds in the Firemen's Relief Fund of the City of Lumberton in excess of five hundred dollars ($500.00) shall be transferred to the "Supplementary Pension Fund" so as to leave in the Firemen's Relief Fund an amount not greater than five hundred dollars ($500.00) at any time.

Sec. 3. Any person who is a full time paid member of the Lumberton Fire Department, as shown by the records of the City of Lumberton at the time of the ratification of this Act, or any person who shall become such a full time paid member, shall be eligible for benefits from the "Supplementary Pension Fund": Provided that no such person shall be eligible for benefits from the "Supplementary Pension Fund" unless or until such person has been retired as a member of the Lumberton Fire Department under the provisions of the retirement system for counties, cities and towns as set out in Article 3 of Chapter 128 of the General Statutes of North Carolina and as participated in by the City of Lumberton. It is further

provided that this Act does not modify or alter in any way the Workmen's Compensation Laws of the State of North Carolina.

Sec. 4. Any full time paid member of said fire department who retires or is retired under the provisions of Section 3 of this Act shall receive monthly for the remainder of his life from the "Supplementary Pension Fund" an amount equal to two per cent (2%) for each five (5) years of service, not to exceed fourteen per cent (14%), of his average monthly salary at the time of his retirement.

Sec. 5. The Chief of the Lumberton Fire Department, as a member of the board of trustees of the "Supplementary Pension Fund," shall be treasurer and custodian of the said fund and shall pay the beneficiaries thereof on the first day of each and every month any moneys in his possession that such beneficiaries may be entitled to under the provisions of this Act.

Sec. 6. The Chief of the Lumberton Fire Department, as custodian of the "Supplementary Pension Fund," shall be required to give a bond with an indemnity company authorized to do business in the State of North Carolina as surety in a sum equal to one and one-quarter times the maximum amount estimated by the board of trustees as likely to be in his possession as such custodian at any time within the fiscal year for which the bond is given. The condition of said bond shall be that said custodian shall faithfully receive, keep, disburse and account for, as herein provided, all funds and property coming into his hands as such custodian, and the premiums on said bond shall be paid out of the "Supplementary Pension Fund."

Sec. 7. The said custodian of said "Supplementary Pension Fund" is authorized and directed to invest all moneys coming into his possession belonging to said "Supplementary Pension Fund," except so much as the board of trustees from time to time determine is reasonably necessary for the prompt payment of claims and expenses, in such securities as the board of trustees shall select: Provided, however, that such securities shall be limited to, and upon, the same conditions as those enumerated by the General Statutes of North Carolina, as amended, as to the investment of trust funds, and, or, the funds of guardians.

Sec. 8. The board of trustees as herein provided for may, in its discretion, take and receive any gift, grant, bequest or devise or any real or personal property or other things of value for, and as, the property of the said "Supplementary Pension Fund" and hold and disburse and invest the same for the use of said fund in accordance with the purpose of this Act and the conditions attached to any such gift, grant, bequest or devise.

Sec. 9. The provisions of Chapter 118 of the General Statutes of North Carolina creating a Firemen's Relief Fund are repealed as to the City of Lumberton insofar and only insofar as said provisions are inconsistent with and contradictory to the provisions of this Act.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

S. B. 119 CHAPTER 101

AN ACT TO AMEND CHAPTER 576 OF THE SESSION LAWS OF 1951 RELATING TO THE DURHAM FIREMENS' SUPPLEMENTAL RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Section 2 (c) of Chapter 576 of the Session Laws of 1951 is hereby amended by striking out of the second paragraph of said Section 2 (c) the sentence reading "they shall take office on the third Tuesday in May," and substituting in lieu thereof the following:

"The said members of said Board of Trustees shall qualify by taking the oath of office not later than the first regular quarterly meeting of said Board after the third Tuesday in May."

Sec. 2. Section 2 (g) of said Chapter 576 of the Session Laws of 1951 is hereby amended by striking out of the first sentence of said subsection (g) the following words, "within 10 days after his appointment," and substituting in lieu thereof the following:

"Before taking part in any meetings or engaging in the consideration of any business or affairs of said Board of Trustees, and in all events not later than the first regular quarterly meeting of said Board after the third Tuesday in May,".

Sec. 3. Section 2 (p) of said Chapter 576 of the Session Laws of 1951 is hereby amended by striking out the last sentence of said subsection (p) and rewriting the same to read as follows:

"The books of the system shall be audited by a certified public accountant each two years and also when a new treasurer is elected, and said report of such audit shall be presented at the second regular quarterly meeting of the year in which the audit is made or to any special meeting which may be called for that purpose."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

S. B. 131 CHAPTER 102

AN ACT TO AMEND G. S. 9-25 SO AS TO PROVIDE FOR THE SELECTION OF GRAND JURIES IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the first term of Superior Court for the trial of criminal cases in Anson County after July 1, 1955, there shall be chosen a grand

jury as now provided by law, and the first nine members of said jury chosen at said term shall serve until the first term of said court for the trial of criminal cases after July 1, 1956, and the second nine members of said jury so chosen shall serve until the first term of said court for the trial of criminal cases after January 1, 1956; and thereafter at the first term of criminal court after the first days of January and July of each year there shall be chosen nine members of said grand jury to serve until the first term of criminal court in said county after the first days of January and July, respectively, of each succeeding year. Provided that in event of vacancy occurring in the Grand Jury of Anson County by death, removal from county, sickness or otherwise, the presiding Judge may, in his discretion order such vacancy or vacancies filled by drawing sufficient jurors to fill said vacancy or vacancies from the jury box and said juror or jurors so drawn shall take the oath prescribed by law and shall fill out the term of the juror or jurors whose places they were drawn to fill.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

H. B. 44 CHAPTER 103

AN ACT TO VALIDATE ALL JUDGMENTS AND DECREES ISSUED IN ACTIONS FOR DIVORCE WHERE THE VERIFICATION TO THE COMPLAINT IS NOT IN ACCORDANCE WITH THE PROVISIONS OF G. S. 1-145 AND G. S. 1-148.

The General Assembly of North Carolina do enact:

Section 1. G. S. 50-8, as the same appears in the 1953 Cumulative Supplement of Volume 2A of the General Statutes, is hereby amended by adding thereto a new paragraph which shall read as follows:

"In all suits and actions for divorce heretofore instituted and tried in this State on and subsequent to the 5th day of April, 1951, wherein the statements, averments, or allegations in the verification to the complaint in said suits or actions are not in accordance with the provisions of G. S. 1-145 and G. S. 1-148 or the requirements of this Section as to verification of complaint or the allegations, statements or averments in the verification contain the language that the facts set forth in the complaint are true 'to the best of affiant's knowledge and belief' instead of the language 'that the same is true to his (or her) own knowledge' or similar variations in language, said allegations, statements and averments in said verifications as contained in or attached to said complaint shall be deemed to be, and are hereby made, a substantial compliance as to the allegations, averments or statements required by this Section to be set forth in any such

verifications; and all such suits or actions for divorce, as well as the judgments or decrees issued and entered as a result thereof, are hereby validated and declared to be legal and proper judgments and decrees of divorce."

Sec. 1½. Provided this Act shall not apply to pending litigation.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

H. B. 73 CHAPTER 104

AN ACT TO AUTHORIZE THE USE OF BOW AND ARROW IN TAKING GAME BIRDS AND GAME ANIMALS.

The General Assembly of North Carolina do enact:

Section 1. Section 113-104 of the General Statutes of North Carolina is hereby amended by rewriting the sentence beginning on line 15 and ending on line 17 thereof, as the same appears in Volume 3A of the General Statutes, as follows:

"Game birds and game animals shall be taken only in the daytime, between sunrise and sunset, with a shotgun not larger than number ten (10) gauge, a rifle, or with bow having minimum pull of forty-five (45) pounds and non-poisonous, non-barbed, non-explosive arrow with minimum broadhead width of seven-eighths of an inch, unless otherwise specifically permitted by this Article."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

H. B. 85 CHAPTER 105

AN ACT TO PROVIDE FOR THE AMOUNT OF COSTS TO BE COLLECTED BY THE COUNTY RECORDER'S COURT OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 7-238 of Volume 1B of the General Statutes by adding at the end of said Section a proviso which shall read as follows:

"Provided that the costs to be collected by the County Recorder's Court of Cherokee County shall be the sum of ten dollars ($10.00) in each case disposed of in said recorder's court in lieu of the costs provided above in this Section."

Sec. 2. That this Act shall apply to Cherokee County and the Recorder's Court of Cherokee County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

H. B. 138 CHAPTER 106

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF ELIZABETHTOWN TO SELL AT PUBLIC AUCTION CERTAIN PORTIONS OF BEN STREET HERETOFORE DEDICATED AND NEVER USED BY SAID TOWN AS A PUBLIC STREET.

WHEREAS, the streets in the Town of Elizabethtown as shown on the original plat of the said town, made in 1773, under the dedication of Isaac Jones of a 100 acre town site, and pursuant to an Act of the Assembly dated January 25, 1773, and Ben Street on the West side of Broad Street has long been improved and in use as a public street, and on the East side of Broad Street it has never been improved or used as a public street or way; that approximately 150 feet from Broad Street on the East side thereof, Ben Street falls almost perpendicularly about 50 feet into what is known as "The Torry Hole" which extends eastward to the Cape Fear River at a level of from 50 of 85 feet below the level of Ben Street at its eastward intersection with Broad Street; and

WHEREAS, there has never been any necessity or demand for the opening or improvement or maintenance of Ben Street East of Broad Street as a way of convenience or necessity and there is no possibility of using the same as a street for distance of more than 150 feet from Broad Street and from that point to Queen Street it extends down an impassible hill and continues to the Cape Fear River over and through impassible hills and gullies: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Elizabethtown is authorized to sell at public auction for cash that part of Ben Street in the Town of Elizabethtown extending East from Broad to Queen Street or any part of the same which it may deem to be in the best interest of the town. The notice of the time, place and terms of such sale shall be published in a newspaper published in Bladen County once a week at least four successive weeks immediately preceding the date of sale. The sale of the property as herein authorized shall not be concluded and the bids shall remain open for a period of ten (10) days during which time the board is authorized to receive an upset bid as provided in G. S. 1-339.64 and in case an upset bid is filed as therein provided, a resale or resales of said property shall be had in accordance with the provisions of G. S. 1-339.64 to G. S. 1-339.66, inclusive. After confirmation of the sale of said

property by the board, the town is authorized to execute a fee simple deed to the purchaser or purchasers and apply the proceeds from the sale or sales in such manner as may be deemed for the best interest of the town.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

H. B. 162 CHAPTER 107

AN ACT AMENDING G. S. 155-3 SO AS TO PERMIT THE COMMISSIONERS OF ASHE COUNTY TO ABOLISH THE OFFICE OF COUNTY TREASURER AND TO APPOINT A BANK OR TRUST COMPANY TO ACT AS FINANCIAL AGENT OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 155-3 of the General Statutes of North Carolina, as the same appears in Volume 3C thereof, be and the same is hereby amended by inserting before the word "Bladen" in the first sentence thereof the word "Ashe."

Sec. 2. That from and after the ratification of this Act all of the provisions of G. S. 155-3 are made applicable to Ashe County.

Sec. 3. All laws and clauses of laws, specifically including Chapter 110 of the Public-Local Laws of 1927, and Chapter 54 of the Public-Local Laws of 1935, are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

H. B. 181 CHAPTER 108

AN ACT AMENDING CHAPTER 664, SESSION LAWS OF 1949, AS AMENDED, RELATING TO THE COMPENSATION OF THE REGISTER OF DEEDS OF PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 664, Session Laws of 1949, as amended by Chapter 660, Session Laws of 1953, be further amended by adding at the end thereof the following:

"As of December 1, 1954, the Board of Commissioners of Perquimans County is hereby authorized in its discretion to allow the register of deeds of said county additional compensation in the amount of fifteen dollars ($15.00) per diem when acting as clerk to the board of county commissioners, said amount to be paid from the general fund of the county."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

H. B. 211 CHAPTER 109

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HYDE COUNTY TO TRANSFER CERTAIN SURPLUS FUNDS TO THE GENERAL FUND OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Hyde County is hereby authorized and empowered to transfer and allocate all surplus funds remaining from the tax as authorized by Chapter 943 of the 1951 Session Laws after the payment of all bills and obligations incurred during the revaluation and readjustment of property in Hyde County to the general fund of the county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

H. B. 225 CHAPTER 110

AN ACT TO RE-APPOINT R. C. SAMPLE A MEMBER OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. Pursuant to the provisions of Section 2 of Chapter 113 of the Private Laws Extra Session of 1921 entitled "An Act to Amend the Charter of the City of Hendersonville" ratified December 19, 1921, R. C. Sample is hereby appointed a member of the Board of Water Commissioners of the City of Hendersonville for a term of six years. The term of office shall begin at the expiration of his present term to which he was duly appointed by Act of the General Assembly of 1949.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

H. B. 226 **CHAPTER 111**

AN ACT TO AMEND G. S. 67-13, RELATING TO COMPENSATION FOR DAMAGES DONE BY DOGS IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The last sentence of G. S. 67-13, as it appears in the 1953 Supplement to the General Statutes, is amended by inserting immediately after the word "McDowell," and before the word "Moore," the word and punctuation "Mecklenburg,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

H. B. 229 **CHAPTER 112**

AN ACT RELATING TO THE DEPOSITING OF PUBLIC FUNDS OF JONES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Jones County is hereby authorized and empowered to designate, from time to time, one or more banks or banking institutions located within or without the county as the depository or depositories of the public funds of Jones County, including school funds, and as the fiscal agent or agents of said county, and to designate the bank or banking institution which shall be the depository for each of the county's funds or the approximate percentage of the aggregate of all county funds which shall be deposited in each designated depository. The Board of Commissioners of Jones County may impose any conditions or requirements which may be agreed upon between said board and the designated depositories, but all deposits of the public funds of Jones County shall be in accordance with the general laws of North Carolina relating to the deposit and safeguarding of county funds.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1955.

S. B. 89 **CHAPTER 113**

AN ACT TO AMEND G. S. 105-296 SO AS TO EXEMPT FROM LOCAL AD VALOREM TAXATION CERTAIN AGRICULTURAL FAIR PROPERTY OWNED BY VETERANS ORGANIZATIONS, APPLICABLE TO PITT COUNTY ONLY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-296 is hereby amended by adding a new paragraph at the end thereof, to read as follows:

"Real property used actually and exclusively for agricultural fair purposes by an agricultural fair association to operate fairs approved by the Commissioner of Agriculture, provided such property is owned legally or equitably, directly or indirectly, by the American Legion, or one or more posts of the American Legion, or some veterans organization either chartered by Congress or organized and operating on a State-wide or nation-wide basis, and provided further, that said fair association is exempt from the payment of Federal and State income taxes."

Sec. 2. This Act shall be applicable to all taxes levied in 1955 for the fiscal year, July 1, 1955, to June 30, 1956, and all future years.

Sec. 2½. This Act shall apply only to Pitt County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1955.

S. B. 118 **CHAPTER 114**

AN ACT AMENDING SECTION 71, CHAPTER 30, PRIVATE LAWS OF 1935 SO AS TO CHANGE THE TIME FOR HOLDING MUNICIPAL PRIMARIES IN THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That Section 71, Article XI, Chapter 30, Private Laws of 1935, which amends Section 71, Chapter 121, Private Laws of 1931, be and the same is hereby amended by striking out in lines five and six thereof the words "on the third Tuesday in April" and inserting in lieu thereof the words "on the second Tuesday in April."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1955.

S. B. 137 CHAPTER 115

AN ACT AMENDING CHAPTER 366, PUBLIC-LOCAL LAWS OF 1939, AS AMENDED, BEING THE CHARTER OF THE CITY OF CHARLOTTE, WITH RESPECT TO STREET IMPROVEMENTS IN SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. Amend Chapter 366, Public-Local Laws of the General Assembly of 1939, Section 51 thereof, as amended, by inserting at the end of the next to the last paragraph, the following:

"Provided further, that in lieu of any or all of the foregoing powers and provisions, the city council may, by resolution adopted by majority vote of the entire council at two regular meetings, open, widen, repave, resurface or otherwise improve a street, including the installation of storm drains, curbs, gutters and related improvements, where it is found as a fact by said resolution that such streets or improvements are necessary in the public interest to relieve traffic congestion and to provide a thoroughfare for such purpose, and pay the entire cost of the same, including the costs of right of way, out of street improvement bond funds or any other funds legally available for such purpose without the assessment of any benefits against abutting property owners."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1955.

S. B. 139 CHAPTER 116

AN ACT TO AUTHORIZE THE TOWN OF SPINDALE TO ESTABLISH A SPECIAL RESERVE FUND.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Spindale is hereby authorized and empowered to establish, in addition to all other funds now authorized by law, a fund to be known as the "Special Reserve Fund."

Sec. 2. When the governing body elects to establish such a fund, it shall pass an ordinance creating the fund. Thereafter, the governing body may from year to year make appropriations in the general fund for deposit to the Special Reserve Fund: Provided, the amount of any annual appropriation shall not exceed a sum equivalent to that produced by twenty-five (.25) cents of the general fund tax rate.

Sec. 3. In the ordinance creating the fund, the governing body shall designate some bank, banks or trust company as a depository in which the appropriations to the Special Reserve Fund shall be deposited and earmarked for the use of such Special Reserve Fund. All such deposits shall be secured as provided by Chapter 159, Section 28 of the General Statutes

of North Carolina. Pending their use for the purposes hereinafter provided, all or any portion of such moneys may be invested in either bonds, notes, or certificates of indebtedness of the United States of America; or in bonds or notes of any agency or instrumentality of the United States of America the payment of principal and interest of which is guaranteed by the United States of America; or in bonds or notes of the State of North Carolina; or in bonds of any county, city or town of North Carolina which have been approved by the Local Government Commission for the purpose of such investment; or in shares of any building and loan association organized and licensed under the laws of the State, or in shares of any federal savings and loan association organized under the laws of the United States with its principal office in this State, to the extent that such investment is insured by federal deposit insurance. The proceeds of the sale or realization of such investments and any interest resulting from such investments shall be deposited to the credit of the Special Reserve Fund.

Sec. 4. Withdrawals of all or any part of such fund may be made from time to time and applied to or expended for all or any portion of the cost of the following purposes which are hereby declared to be necessary expenses, and shall not be expended for any other purpose:

Construction, enlargement or extension of a sanitary sewer system or sewage disposal plant.

Sec. 5. Before any withdrawal is made, the governing body shall by resolution authorize such withdrawal. It shall specify the amount of such withdrawal, and the purpose for which such amount shall be spent. Any resolution authorizing withdrawal shall be adopted at a regular or special meeting of the governing body and shall then be published at least once in each of two successive weeks in some newspaper published in the municipality, and such resolution shall not become effective until thirty days after the date of first publication: Provided, if no newspaper is published in the municipality, the notice shall be published in a newspaper with general circulation in the municipality. No right of action or defense founded upon the invalidity of such resolution shall be asserted, nor shall the validity thereof be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the date of first publication.

Sec. 6. In the event that an emergency arises which in the opinion of the governing body involves the health, safety or welfare of the inhabitants of the municipality, necessitating the immediate expenditure of all or any portion of such Special Reserve Fund for the purposes for which the fund is created, a withdrawal may be made from the fund by resolution of the governing body without publication as provided for in the preceding Section. Such resolution shall declare that an emergency exists and set forth such facts are are necessary to show that such emergency does exist.

Sec. 7. It is the intent and purpose of this Act to authorize the accumulation of moneys in the Special Reserve Fund sufficient to carry out the purposes for which the fund is created.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1955.

S. B. 141 CHAPTER 117

AN ACT TO AMEND CHAPTER 93 OF THE PUBLIC LAWS OF 1935 SO AS TO INCLUDE WAYNE COUNTY WITHIN THE TERMS OF THE GENERAL LAW PROHIBITING SALARIED OFFICERS FROM PROVING ATTENDANCE AS WITNESSES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 93 of the Public Laws of 1935 is hereby amended by striking in the last line of Section 1 thereof the words "Rowan and Wayne" and inserting in lieu thereof the words "and Rowan."

Sec. 2. It is the intent and purpose of this Act to include Wayne County within the provisions of the general law providing that any sheriff, deputy sheriff, chief of police, police, patrolman, State Highway patrolman, and/or any other law enforcement officer who receives a salary or compensation for his service from any source or sources other than the collection of fees, shall prove no attendance, and shall receive no fee as a witness for attending at any superior or inferior criminal court sitting within the territorial boundaries in which such officer has authority to make an arrest.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1955.

H. B. 22 CHAPTER 118

AN ACT TO PROVIDE FOR THE TRANSFER OF CASES FROM THE PERSON COUNTY CRIMINAL COURT TO THE SUPERIOR COURT WHEN TRIAL BY JURY IS DEMANDED.

The General Assembly of North Carolina do enact:

Section 1. That the provisions of G. S. 7-394 shall not apply to the Person County Criminal Court.

Sec. 2. In the trial of any case in the Person County Criminal Court, upon demand for a jury by either the defendant or the prosecuting attorney, representing the State, who may demand a jury trial in only those cases in which the State may now demand a trial by jury, the Judge shall transfer said case to the criminal trial docket of the Superior Court of Person County, and the Superior Court of Person County shall thereupon become vested with jurisdiction for the trial of said case. The de-

fendant shall execute a new bond in an amount fixed by the Judge of the Person County Criminal Court for his appearance at the next term of the Superior Court of Person County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification, and shall apply to all cases now pending in which demands for jury trials have heretofore been made.

In the General Assembly read three times and ratified, this the 1st day of March, 1955.

H. B. 69 CHAPTER 119

AN ACT TO PROVIDE THAT ONLY ONE LICENSE PLATE SHALL BE ISSUED FOR A MOTOR VEHICLE.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of Section 20-63 of the General Statutes is hereby amended by deleting from the second line of the subsection the words "two registration plates" and is further amended by changing the colon immediately following the word "vehicle" in the third line of the subsection to a period and is further amended by deleting the remainder of the sentence immediately following said period, which remainder of the sentence reads as follows:

"Provided, that whenever the commissioner determines that there is an actual or threatened shortage of metal, he may provide for the issuance of only one registration plate for each motor vehicle."

Sec. 2. This Act shall apply to registration plates issued for calendar years beginning after December 31, 1955. The provisions of subsection (a) of section 20-63 of the General Statutes as the same were in force prior to the passage of this Act shall remain in full force and effect with respect to registration plates issued for calendar years prior to January 1, 1956.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1955.

H. B. 208 CHAPTER 120

AN ACT AMENDING G. S. 15-200 SO AS TO AUTHORIZE THE COURT SIGNING AN ORDER OF ARREST FOR A DEFENDANT ON PROBATION TO FIX THE AMOUNT OF BOND REQUIRED OF DEFENDANT PENDING A HEARING.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 15-200, as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes be and the same

is hereby amended by striking out the period at the end of said Section, inserting a comma in lieu thereof and adding the following:

"and the court issuing the order of arrest shall in said order, fix the amount of the appearance bond, or if appearance bond should not be fixed by the court, the officer having the defendant in charge shall take sufficient justified bail for the defendant's appearance at said hearing and the bond shall be returnable at such time and place as shall be designated by the probation officer."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1955.

H. B. 388 CHAPTER 121

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BERN, CRAVEN COUNTY, NORTH CAROLINA, AND TO REPEAL CHAPTER 64 OF THE PRIVATE LAWS OF NORTH CAROLINA FOR 1915 WITH RESPECT TO REGISTRATION AND ELECTION OF CANDIDATES FOR ELECTIVE OFFICES OF THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Section 1. That the Charter of the City of New Bern, consisting of Chapter 82 of the Private Laws of North Carolina, passed by the General Assembly at its Session of 1899, and any amendments thereto or other laws relating to elections in the City of New Bern inconsistent with this Act, are hereby repealed, but any provisions thereof not inconsistent with this Act shall apply to any and all elections held hereunder and to acts and things prohibited or done in connection therewith as to elections. All of the provisions of Chapter 64 of the Private Laws of North Carolina enacted by the General Assembly of 1915 shall be and the same is hereby repealed in its entirety. That the following is hereby enacted in lieu thereof:

a. That for the purpose of selecting a Mayor, Members of the Board of Aldermen, and a Recorder of the Municipal Recorder's Court of the City of New Bern, or other elective officer of said City in those years in which any of such officers are required to be elected, there shall be held, on the first Tuesday in May of each such year, a non-partisan election, subject to the general rules and regulations governing the primary laws of the State of North Carolina for the selection of county candidates not inconsistent herewith. Such elections shall be ordered by the Board of Aldermen of the City of New Bern on the third Tuesday in March of each year wherein such elections are required to be held.

b. That for said purpose the Board of Aldermen of the City of New Bern shall appoint, on the third Tuesday in March prior to the date fixed for such elections, the registrars and poll holders to hold the elections and conduct the registrations of voters as herein provided.

c. There shall be five voting places in the City of New Bern, to wit: Electors residing in Ward 1 shall vote at the City Hall; electors residing in Ward 2 shall vote at the Craven County Courthouse; electors residing in Ward 3 shall vote at the municipal Fire Station on Broad Street; electors residing in Ward 4 shall vote at the Trent Court Community Center Building on South Front Street; and electors residing in Ward 5 shall vote at the Municipal Recreation Center Building on George Street. Provided, however, that the Board of Aldermen may in their discretion from time to time provide other voting places in said City, if in their discretion there shall arise a need therefor, and may change the voting places of the electors in any ward as herein provided to other places therein.

d. The poll holders shall assist the registrars in holding elections hereunder at their respective voting places, and they shall open the polls at 7:00 o'clock A.M., receive the votes and deposit them in ballot boxes, and close the polls at 7:00 o'clock P.M. They shall be paid on a per diem basis at a rate to be fixed by the Board of Aldermen of said City. Registration books shall be kept open from 9:00 o'clock A.M. to 6:00 o'clock P.M. at the established voting places or at some other convenient place or places on the first three Saturdays in April preceding the election, and the books shall be closed for registration at 6:00 o'clock P.M. on the third Saturday in April next preceding the day on which the election is to be held. And for the purpose of keeping separate the registrations of each ward of the said City, the registrar or registrars shall provide and maintain a separate registration book for each ward and numbered to correspond with the number by which each ward is designated.

e. No person shall be allowed to register and vote in any election held hereunder unless such person shall be a qualified voter under the laws of the State of North Carolina, and a bona fide resident within the ward in which such person offers to vote for ninety days immediately preceding the day of election. The residence of a married man shall be in the ward within which his family resides, unless he be separated from them, in which case it shall be the ward of his separate residence, and that of a single man shall be in the ward in which he sleeps. Any person knowingly registering or voting in any other ward than that of his bona fide residence shall be guilty of a misdemeanor, and upon conviction shall be fined five hundred dollars ($500.00) or imprisoned for not less than six months. All such qualified voters shall be entitled to vote for the candidates for Mayor, Members of the Board of Aldermen, and Recorder of the Municipal Recorder's Court of the City of New Bern, or any other elective office of the City of New Bern at any election at which any of such officers are required to be elected. The names of all candidates for Mayor and Recorder of the Municipal Recorder's Court or any other elective officers other than Aldermen shall be placed on one ballot. Separate ballots shall be made for each ward, on which shall be placed the names of all candidates for Aldermen from that ward.

f. All candidates for Mayor, Recorder of the Municipal Recorder's Court, for membership on the Board of Aldermen, or any other elective office, shall register their candidacy with the Clerk of said City not later than the third Tuesday in April next preceding the day herein set for elections. All such candidates may register on any day other than Saturdays or Sundays between the hours of 9:00 o'clock A.M. and 4:30 o'clock P.M. If registration is on a Saturday, no candidate shall be entitled to register after the hour of 12:30 o'clock P.M. No candidate shall be entitled to register on any Sunday. Any candidate for Mayor or Recorder of the Municipal Recorder's Court or any elective office other than that of Member of the Board of Aldermen shall, as a condition precedent to his registration, deposit with said Clerk a registration fee of ten dollars ($10.00) therefor. And every candidate for the office of Alderman shall, as a condition precedent to such registration, deposit with the Clerk a registration fee of two dollars ($2.00) therefor. The Clerk shall not register any candidate who shall fail or refuse to make the required deposit. After the close of the time for the registration of candidates, the Clerk of the City of New Bern shall proceed forthwith to have ballots printed and said ballots shall contain sufficient explanatory matter to designate and explain the purpose thereof. Immediately after the closing of the polls, the poll holders and registrars shall proceed to count the votes cast in their respective voting places in the presence of such voters as may choose to attend, and make two certificates thereof, one of which shall be delivered to the Mayor of the City for the Board of Aldermen, and one to the City Clerk. Each certificate shall state the number of votes cast for each candidate, the ward in which they were cast, and the date of election, and shall be signed by at least two of the poll holders or by one poll holder and the registrar. The Board of Aldermen, in meeting assembled at the City Hall on the next Friday night after the election, at 8:00 o'clock P.M., shall inspect the certificates and shall declare the results and publish the same, and no other election for the selection of said officers of said City shall be necessary, except that in case no candidate for any office receives a majority of the votes cast, the candidate receiving the next highest number of votes cast may demand a second election by filing written notice of the same with the Clerk of the said City within five days after the results of the election shall have been declared and announced by the Board of Aldermen, whereupon the Clerk of said City shall immediately call a runoff election which shall be held on the third Tuesday in May following the first election, under the same rules and regulations governing the holding of the first election. But there shall be no registration of voters for the second election except of such persons who have become qualified to vote since the registration books were closed, and any such voters who have become qualified since the registration books were closed may register and vote on the day of the second election. Provided that no general or special law regulating municipal elections shall be applicable to the City of New Bern but that all elections hereunder shall be conducted according to the provisions herein contained, and all general and special elections called in said City for any other purposes shall be held

and conducted in accordance herewith, and the general laws governing the same not inconsistent herewith. All expenses of any such second election as aforesaid shall be paid by the City of New Bern.

g. Any challenge to the right of any qualified and registered elector shall be made not later than 12:30 o'clock P.M. on the fourth Saturday in April next preceding the day fixed for an election. The party challenged must have been notified in writing of such challenge, and such notice may be served upon the person challenged by any qualified and registered elector. Hearings on any challenge shall be heard by the registrar and poll holders of the polling place wherein the challenged person is registered or entitled to register, not later than the first Monday in May next preceding the date of election. If a majority of the registrar and poll holders shall find that the person challenged is not duly qualified to register, the name of the person challenged shall be stricken from the registration books. At the time a challenge is made the registrar shall enter upon the registration books opposite the name of the person objected to the word "challenged." If the person objected to is found to be qualified, the word "challenged" indicated by his name in the registration books shall be stricken from the books. A record of the proceedings and decision of the registrar shall be made.

h. On the first Tuesday in July after their election, the Mayor, Members of the Board of Aldermen, Recorder of the Municipal Recorder's Court, and any other officers required to be elected, shall convene and assemble at the City Hall and qualify before a justice of the peace by taking an oath that each will faithfully and truly perform the duties of his respective office, and thereupon all such officers elected shall assume their offices, to be held until the next biennial election, and until their successors are elected and qualified.

Sec. 2. That all laws and clauses of laws inconsistent with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification, and all officers required to be elected on the first Tuesday in May in the year 1955 shall be elected in accordance herewith, and all elections thereafter shall be in accordance with the provisions herein contained. The Board of Aldermen shall not be required to order any primary heretofore required to be held on the first Tuesday in April, 1955, or hereafter.

In the General Assembly read three times and ratified, this the 1st day of March, 1955.

S. B. 97 CHAPTER 122

AN ACT TO AMEND G. S. 9-25 RELATING TO GRAND JURIES IN GATES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Wherever in the sixth paragraph of G. S. 9-25 the word "Gates" appears, the same is stricken out, and said paragraph shall have no application to grand juries of Gates County.

Sec. 2. G. S. 9-25 is amended by adding at the end thereof the new paragraph to read as follows:

"At the spring term, 1955 of the Criminal Court for Gates County, a grand jury shall be chosen, and the presiding judge shall charge them as provided by law. The first nine members of the grand jury chosen at said term shall serve for a period of one year and the second nine members of said grand jury so chosen shall serve for a period of six months. Thereafter, at the fall and spring terms of Criminal Court for Gates County, nine additional jurors shall be chosen to serve for one year."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1955.

S. B. 105 CHAPTER 123

AN ACT TO EXTEND THE PLANNING, ZONING, BUILDING REGULATION, AND SUBDIVISION REGULATION POWERS OF THE CITY OF CHARLOTTE AND ITS GOVERNING BODY TO A DESCRIBED TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of promoting the orderly growth, expansion, and development of the City of Charlotte and the surrounding territory hereinafter defined and for the purpose of promoting the health, safety, morals, and general welfare of the citizens of such area, the governing body of the City of Charlotte is authorized to exercise any planning, zoning, building regulation, and subdivision regulation powers now or hereafter conferred upon the City of Charlotte and vested in its governing body by the Charter of the City of Charlotte, the General Statutes of North Carolina, or any other Statute applicable to the City of Charlotte, not only within the corporate limits of the City of Charlotte but also within the territory and community beyond and surrounding such corporate limits as hereinafter defined in Section 2. Such powers may be exercised to the same extent and according to the same procedures as are applicable to the exercise of planning, zoning, building regulation, and subdivision regulation powers within the corporate limits of the City of Charlotte; provided, however, that any ordinance intended to have application beyond the corporate limits of the city shall expressly so provide. Such powers shall specifically include, but shall not be limited to, the power to adopt such ordinances and regulations as may be considered necessary or expedient by said governing body to regulate, control, and restrict (a) the height, number of stories, and size of buildings and other structures, (b) the percentage of a lot that may be occupied, (c) the size of yards, courts, and other open spaces, (d) the density of population, and

(e) the location and use of buildings, structures, and land for trade industry, residence or other purposes.

Sec. 2. The boundaries of the territory within which the governing body of the City of Charlotte may exercise the aforesaid powers shall be as follows:

BEGINNING at a point at the intersection of the center line of Albemarle Road and the center line of a bridge over Campbells Creek; thence in a southerly direction with the center line of Campbells Creek to a point in the center line intersection of Campbells Creek and McAlpine Creek; thence in a southerly direction with the center line of McAlpine Creek in a southerly direction, crossing Monroe Road and Sardis Road to a point 300 feet North of Providence Road (Highway No. 16); thence in an easterly direction parallel with and 300 feet North of the center line of Providence Road to a point 300 feet East of Alexander Road; thence in a southwesterly direction crossing Providence Road and running parallel with and 300 feet East from the center line of Rea Road to a point in the center line of Rea Branch that crosses Rea Road, said branch crosses Rea Road one mile North of Matthews-Pineville Road and Rea Road intersection; thence in a westerly direction crossing Rea Road and Carmel Road to a point in Park Road, said point being 300 feet South of the center line intersection of Park Road and Sharon Road West; thence in a westerly direction parallel with and 300 feet South of the center line of Sharon Road West to a point 300 feet West of the center line of New Pineville Road; thence in a northerly direction parallel with and 300 feet West of the center line of New Pineville Road to a point 300 feet South of the center line intersection of Old Pineville Road and New Pineville Road; thence in a northerly direction parallel with and 300 feet West of the center line of Old Pineville Road, to W. B. T. Road; thence in a westerly direction parallel with and 300 feet South of the center line of W. B. T. Road to a point 300 feet West of the center line of York Highway No. 49; thence in a northerly direction parallel with and 300 feet West of center line of York Highway No. 49 to a point 300 feet West of the intersection of Beam Road and York Highway No. 49; thence in a northerly direction parallel with and 300 feet West of the center line of Beam Road to a point 300 feet South of the center line intersection of Beam Road and Steel Creek Road; thence in a northerly direction parallel with and 300 feet West of the center line of Steel Creek Road crossing Byrum Drive to a point 300 feet South of the center line of Dixie Road; thence in a westerly direction parallel with and 300 feet from the center line of Dixie Road crossing Brownhill Road and Coffey Creek to a point 300 feet West of the center line where the New Dixie Road connects with the Old Dixie Road, which is also 300 feet North of the center line of the old section of Dixie Road; thence in an easterly direction parallel with and 300 feet North from the center line of the Old Dixie Road to a point 300 feet West of the center line of Stowe Road; thence in a northwesterly direction parallel with and 300 feet from the center line of Stowe Road crossing Dixie Road to a point 300 feet West of the intersection of Wallace Neal and Stowe

Road; thence in a northerly direction parallel with and 300 feet West of the center line of Wallace Neal Road crossing Old Dowd Road to a point 300 feet West of the center line of Old Dowd Road; thence in a northeasterly direction parallel with and 300 feet West of Old Dowd Road crossing Southern Railroad to a point 300 feet West of center line of the intersection of Little Rock Road and Old Dowd Road; thence in a northerly direction parallel with and 300 feet West of the center line of the Little Rock Road crossing Wilkinson Boulevard, Tuckaseegee Road and Paw Creek to a point 300 feet South of Thrift Road; thence in a northerly direction parallel with and 300 feet West of Thrift Road crossing P. & N. and Seaboard Airline Railroad to a point 300 feet North of the center line of the Mt. Holly Road; thence in an easterly direction parallel with and 300 feet North of the center line of Mt. Holly Road to a point in the center line of Rozzells Ferry Road, which point is also 300 feet North of the center line intersection of Rozzells Ferry Road and Mt. Holly Road; thence in an easterly direction crossing Plank Road to a point in the center line of Oakdale Road, which point is 300 feet North from the center line of Peachtree Road and Oakdale Road; thence in a northeasterly direction parallel with and 300 feet from the center line of Peachtree Road to a point 300 feet North of the center line of Capps Hill Mine Road and Peachtree Road; thence in an easterly direction parallel with and 300 feet North of the center line of Capps Hill Mine Road to a point 300 feet West of the center line of Beatties Ford Road; thence in a northerly direction parallel with and 300 feet West of Beatties Ford Road to a point 300 feet North of the intersection of Beatties Ford Road and Hutchison-McDonald Road; thence in an easterly direction 2600, more or less, feet parallel with and 300 feet North of the center line of Hutchison-McDonald Road crossing Beatties Ford Road to a point in the center line of an unnamed creek; thence in a northeasterly direction to a point in the center line of Statesville Road (Highway 21), which point is 300 feet North of the center line of the intersection of Statesville Road and Durham Road; thence in an easterly direction parallel with and 300 feet North of the Durham Road to a point 300 feet West of the center line of Nivens Road; thence in a northeasterly direction parallel with and 300 feet West of the center line of Nivens Road to a point 300 feet North of the center line of North Allen Road and 300 feet West of Nivens Road; thence in an easterly direction parallel with and 300 feet North of North Allen Road crossing Nivens Road to a point 300 feet West of the center line of East Allen Road; thence in a northerly direction parallel with and 300 feet West of the center line of East Allen Road to a point 300 feet North of the center line of South Allen Road and 300 feet West of the center line of East Allen Road; thence in an easterly direction parallel with and 300 feet North to the center line of South Allen Road crossing Southern Railroad and Derita Road to a point 300 feet East of the center line of Derita Road; thence in a southerly direction parallel with and 300 feet East of the center line of the Derita Road to a point 300 feet North of the center line of Cannon Avenue; thence in an easterly direction parallel with and 300 feet North of the center line of Cannon Avenue to a point in the center

line of Sugar Creek Road, which point is 300 feet North of the center line of the intersection of Sugar Creek, Cannon Avenue and Tom Hunter Road; thence in an easterly direction parallel with and 300 feet North of the center line of Tom Hunter Road, crossing Old Salisbury Road (Highway 29) to a point 300 feet East of Old Salisbury Road; thence in a southerly direction parallel with and 300 feet East of the center line of Old Salisbury Road to a center line intersection point of Duke Power transmission line; thence with various courses of the center line of Duke Power transmission line crossing Concord Road (Highway 29A) North of Plaza Airport, Plaza Road, Milton Road, Southern Railroad, Hickory Grove Road (3300, more or less, feet East of the center line intersection of Hickory Grove Road and Shamrock Road, near Campbells Creek), to a point in the center line of Albemarle Road and a bridge over Campbells Creek to the point of beginning.

Sec. 3. In exercising the zoning powers conferred by this Act beyond the corporate limits of the City of Charlotte, the governing body of such city shall by ordinance designate the Charlotte-Mecklenburg Planning Commission, established by ordinance of the City of Charlotte and resolution of the County of Mecklenburg on September 8, 1954, as the Zoning Commission required by Article 14 of Chapter 160 of the General Statutes. The governing body of the City of Charlotte may assign the Charlotte-Mecklenburg Planning Commission such additional duties as it deems wise in connection with the preparation of recommended ordinances and the making of recommendations as to proposed amendments.

Sec. 4. If the governing body of the City of Charlotte should adopt a zoning ordinance covering the territory beyond the corporate limits of the city, as authorized by this Act, said governing body shall create a Zoning Board of Adjustment whose members shall be appointed as follows: Five members shall be appointed by the governing body of the City of Charlotte and shall be citizens and residents of said city; five members shall be appointed by the Mecklenburg County Board of Commissioners and shall be citizens and residents of the territory beyond and surrounding the corporate limits of said city, as defined by Section 2 of this Act. Such Board of Adjustment shall have and exercise all of the powers, duties, and functions enumerated in Section 160-178 of the General Statutes. Members shall be appointed for terms of three years and until their respective successors have been appointed and qualified; provided, that the initial appointees may be be appointed to shorter terms of varying duration, to the end that the terms of no more than four members shall expire in any one year. There shall be a quorum of five members for the purpose of hearing cases. The concurring vote of four-fifths of the members present for the hearing of any case shall be necessary in order (a) to reverse any order, requirement, decision or determination of any administrative official charged with enforcement of the ordinance or (b) to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or (c) to effect any variation in such ordinance.

Sec. 5. The governing body of the City of Charlotte is further authorized, in order to enforce properly the provisions of any zoning ordinance, building regulations, or subdivision regulations, to require that prior to

the beginning of any construction, reconstruction, or alteration of any building or structure, a permit be obtained therefor from the Building Inspector of the City of Charlotte. The permit shall be issued by said Building Inspector if the proposed structure complies with such requirements as may have been adopted by the governing body of the City of Charlotte for the area wherein the structure is situate.

Sec. 6. The provisions of this Act shall apply only to the City of Charlotte and to the territory within the corporate limits of the City of Charlotte and that territory beyond and surrounding the corporate limits of said city as described in Section 2 of this Act.

Sec. 7. The powers granted to the governing body of the City of Charlotte by this Act are intended to be supplementary to any powers which may have heretofore been granted or which may hereafter be granted to such governing body under other provisions of law. The exercise of the powers granted by this Act shall be within the discretion of such governing body. This Act shall have no effect upon any existing ordinances of the City of Charlotte. The adoption of any ordinance under authority of this Act shall have no effect upon any litigation which is pending at the time of the adoption of such ordinance.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act, except as indicated in Section 7 hereof, are hereby repealed to the extent of such conflict.

Sec. 9. If any Section, subdivision, clause, or provision of this Act shall be adjudged invalid, such adjudication shall apply only to such Section, subdivision, clause, or provision so adjudged, and the remainder of the Act shall be deemed valid and effective.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1955.

S. B. 106 CHAPTER 124

AN ACT PROVIDING FOR THE REGULATION OF THE SUBDIVISION OF LAND IN AND AROUND THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. Charlotte-Mecklenburg Planning Commission as Platting Authority. The governing body of the City of Charlotte is authorized to enact an ordinance providing that no plat of a subdivision of land lying within the corporate limits of the City of Charlotte or within the territory and community beyond and surrounding the corporate limits of said municipality as hereinafter defined shall be filed or recorded until it shall have been submitted to and approved by the Charlotte-Mecklenburg Planning Commission in accordance with regulations adopted under authority of this Act and such approval entered in writing on the plat by the secretary of the Commission.

Sec. 2. Platting Jurisdiction. The boundaries of the territory within which the governing body of the City of Charlotte and the Charlotte-Mecklenburg Planning Commission may exercise such jurisdiction shall be as follows:

BEGINNING at a point at the intersection of the center line of Albemarle Road and the center line of a bridge over Campbells Creek; thence in a southerly direction with the center line of Campbells Creek to a point in the center line intersection of Campbells Creek and McAlpine Creek; thence in a southerly direction with the center line of McAlpine Creek in a southerly direction, crossing Monroe Road and Sardis Road to a point 300 feet North of Providence Road (Highway No. 16); thence in an easterly direction parallel with and 300 feet North of the center line of Providence Road to a point 300 feet East of Alexander Road; thence in a southwesterly direction crossing Providence Road and running parallel with and 300 feet East from the center line of Rea Road to a point in the center line of Rea Branch that crosses Rea Road, said branch crosses Rea Road one mile North of Matthews-Pineville Road and Rea Road intersection; thence in a westerly direction crossing Rea Road and Carmel Road to a point in Park Road, said point being 300 feet South of the center line intersection of Park Road and Sharon Road West; thence in a westerly direction parallel with and 300 feet South of the center line of Sharon Road West to a point 300 feet West of the center line of New Pineville Road; thence in a northerly direction parallel with and 300 feet West of the center line of New Pineville Road to a point 300 feet South of the center line intersection of Old Pineville Road and New Pineville Road; thence in a northerly direction parallel with and 300 feet West of the center line of Old Pineville Road, to W. B. T. Road; thence in a westerly direction parallel with and 300 feet South of the center line of W. B. T. Road to a point 300 feet West of the center line of York Highway No. 49; thence in a northerly direction parallel with and 300 feet West of the center line of York Highway No. 49 to a point 300 feet West of the intersection of Beam Road and York Highway No. 49; thence in a northerly direction parallel with and 300 feet West of the center line of Beam Road to a point 300 feet South of the center line intersection of Beam Road and Steel Creek Road; thence in a northerly direction parallel with and 300 feet West of the center line of Steel Creek Road crossing Byrum Drive to a point 300 feet South of the center line of Dixie Road; thence in a westerly direction parallel with and 300 feet from the center line of Dixie Road crossing Brownhill Road and Coffey Creek to a point 300 feet West of the center line where the new Dixie Road connects with the Old Dixie Road, which is also 300 feet North of the center line of the old section of Dixie Road; thence in an easterly direction parallel with and 300 feet North from the center line of the Old Dixie Road to a point 300 feet West of the center line of Stowe Road; thence in a northwesterly direction parallel with and 300 feet from the center line of Stowe Road crossing Dixie Road to a point 300 feet West of the intersection of Wallace Neal and Stowe Road; thence in a northerly direction parallel with and 300 feet West of the center line of Wallace Neal Road crossing Old Dowd Road to a point 300 feet West of the center line

of Old Dowd Road; thence in a northeasterly direction parallel with and 300 feet West of Old Dowd Road crossing Southern Railroad to a point 300 feet West of center line of the intersection of Little Rock Road and Old Dowd Road; thence in a northerly direction parallel with and 300 feet West of the center line of the Little Rock Road crossing Wilkinson Boulevard, Tuckaseegee Road and Paw Creek to a point 300 feet South of Thrift Road; thence in a northerly direction parallel with and 300 feet West of Thrift Road crossing P. & N. and Seaboard Airline Railroad to a point 300 feet North of the center line of the Mt. Holly Road; thence in an easterly direction parallel with and 300 feet North of the center line of Mt. Holly Road to a point in the center line of Rozzells Ferry Road, which point is also 300 feet North of the center line intersection of Rozzells Ferry Road and Mt. Holly Road; thence in an easterly direction crossing Plank Road to a point in the center line of Oakdale Road, which point is 300 feet North from the center line of Peachtree Road and Oakdale Road; thence in a northeasterly direction parallel with and 300 feet from the center line of Peachtree Road to a point 300 feet North of the center line of Capps Hill, Mine Road and Peachtree Road; thence in an easterly direction parallel with and 300 feet North of the center line of Capps Hill Mine Road to a point 300 feet West of the center line of Beatties Ford Road; thence in a northerly direction parallel with and 300 feet West of Beatties Ford Road to a point 300 feet North of the intersection of Beatties Ford Road and Hutchison-McDonald Road; thence in an easterly direction 2600, more or less, feet parallel with and 300 feet North of the center line of Hutchison-McDonald Road crossing Beatties Ford Road to a point in the center line of an unnamed creek; thence in a northeasterly direction to a point in the center line of Statesville Road (Highway 21), which point is 300 feet North of the center line of the intersection of Statesville Road and Durham Road; thence in an easterly direction parallel with and 300 feet North of the Durham Road to a point 300 feet West of the center line of Nivens Road; thence in a northeasterly direction parallel with and 300 feet West of the center line of Nivens Road to a point 300 feet North of the center line of North Allen Road and 300 feet West of Nivens Road; thence in an easterly direction parallel with and 300 feet North of North Allen Road crossing Nivens Road to a point 300 feet West of the center line of East Allen Road; thence in a northerly direction parallel with and 300 feet West of the center line of East Allen Road to a point 300 feet North of the center line of South Allen Road and 300 feet West of the center line of East Allen Road; thence in an easterly direction parallel with and 300 feet North to the center line of South Allen Road crossing Southern Railroad and Derita Road to a point 300 feet East of the center line of Derita Road; thence in a southerly direction parallel with and 300 feet East of the center line of the Derita Road to a point 300 feet North of the center line of Cannon Avenue; thence in an easterly direction parallel with and 300 feet North of the center line of Cannon Avenue to a point in the center line of Sugar Creek Road, which point is 300 feet North of the center line of the intersection of Sugar Creek, Cannon Avenue and Tom Hunter Road; thence in an easterly direction parallel with and 300 feet North of the center line of Tom Hunter Road,

crossing Old Salisbury Road (Highway 29) to a point 300 feet East of Old Salisbury Road; thence in a southerly direction parallel with and 300 feet East of the center line of Old Salisbury Road to a center line intersection point of Duke Power transmission line; thence with various courses of the center line of Duke Power transmission line crossing Concord Road (Highway 29A) North of Plaza Airport, Plaza Road, Milton Road, Southern Railroad, Hickory Grove Road (3300, more or less, feet East of the center line intersection of Hickory Grove Road and Shamrock Road, near Campbells Creek), to a point in the center line of Albemarle Road and a bridge over Campbells Creek to the point of BEGINNING.

Sec. 3. Recording of Plats. If the governing body of the City of Charlotte adopts an ordinance regulating the subdivision of land as authorized herein, it shall file a copy of such ordinance with the Mecklenburg County Register of Deeds. The Mecklenburg County Register of Deeds shall not thereafter file or record, nor shall the Clerk of Superior Court of Mecklenburg County order or direct the recording of, a plat of a subdivision of land located within the territorial jurisdiction defined in Sec. 2 hereof, without the approval of the Charlotte-Mecklenburg Planning Commission as required by this Act. The owner of land shown on a subdivision plat thereafter submitted for recording, or his authorized agent, shall be required to sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction defined in Sec. 2. The filing or recording of a plat of a subdivision without the approval of the Charlotte-Mecklenburg Planning Commission as required by this Act shall be null and void.

Sec. 4. Subdivision Regulations. If the governing body of the City of Charlotte wishes to exercise the powers granted to it by this Act, it shall by ordinance adopt regulations governing the subdivision of land within the platting jurisdiction defined in Sec. 2.

Such ordinance may provide for the orderly development of the municipality and its environs; for the coordination of streets within subdivisions with existing or planned streets or with other public facilities; for the dedication or reservation of adequate open spaces for traffic, recreation, and school sites; and for distribution of population and traffic which shall avoid congestion and overcrowding, and which shall create conditions essential to health, safety, convenience, and the general welfare.

Such ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

Such ordinance may include requirements as to the improvement and grading of streets and the construction and installation of street pavements, curbs, gutters, sidewalks, and water, sewer, surface water drainage, and other utility mains, as a condition precedent to the approval of the plat. The governing body shall provide for the tentative approval of the plat previous to such improvements and installations, but any such tentative ap-

proval shall not be entered on the plat. Such ordinance may provide that in lieu of the completion of such work and installations prior to the final approval of a plat, the governing body may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the governing body and expressed in the bond; and the City of Charlotte is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. Such ordinance may provide, in lieu of the completion prior to the final approval of a plat of such work and installations on lands within the corporate limits of the City of Charlotte, for an assessment under Article 9 of Chapter 160 or other statutory authorization whereby the city may do said work and make said installations at the cost of the owners of the property within the subdivision.

Such ordinance shall provide that the Charlotte-Mecklenburg Planning Commission shall approve or disapprove the final plat not later than 60 days after the submission thereof; otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the applicant for the Planning Commission's approval may waive this requirement and consent to the extension of such period. The grounds for disapproval of any plat shall be stated upon the records of the Planning Commission. Said regulations shall provide that appeal may be taken from the Planning Commission action to the governing body of the City of Charlotte, which governing body shall have power to disapprove in whole or in part or otherwise modify the action of said Planning Commission.

Sec. 5. Public Hearing on Ordinance. Before the adoption of a subdivision-control ordinance or any amendment thereof, the governing body of the City of Charlotte shall hold a public hearing. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in the City of Charlotte, such notice to be published the first time not less than 15 days prior to the date fixed for said hearing.

Sec. 6. Effect of Plat Approval on Status of Dedications. The approval of a plat by the Charlotte-Mecklenburg Planning Commission shall not be deemed to constitute or effect the acceptance by the city or the public of the dedication of any street or other ground, public utility line, or other public facility shown upon the plat.

Sec. 7. Penalties for Transferring Lots in Unapproved Subdivisions. If the governing body of the City of Charlotte adopts an ordinance regulating the subdivision of land as authorized herein, any person who, being the owner or agent of the owner of any land located within the platting jurisdiction defined in Sec. 2, thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by the Charlotte-Mecklenburg Planning Commission and recorded in the office of the Mecklenburg County Register of Deeds, shall upon conviction be guilty of a misdemeanor. The City of Charlotte, through its City Attorney or other official designated by its governing body, may enjoin such transfer or sale by action for injunction.

Sec. 8. Acceptance of and Improvements in Unapproved Streets. From and after the time when the platting jurisdiction of Charlotte's governing body shall have attached by virtue of the adoption of a subdivision control ordinance as provided in this Act, the City of Charlotte shall not accept for maintenance, lay out, open, improve, grade, pave, or light any street or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street within the municipality or other territorial jurisdiction of said governing body as defined in Sec. 2, (1) unless such street shall have been accepted or opened as, or shall have otherwise received the legal status of a public street prior to the said attachment of the governing body's subdivision jurisdiction, or (2) unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Charlotte-Mecklenburg Planning Commission, or (3) unless such street be accepted as a public street by vote of a majority of all the members of said governing body.

Sec. 9. Definitions. For the purpose of this Act, the following definition shall apply:

Subdivision. A "Subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Act: (1) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the municipality, (2) the division of land into parcels greater than five acres where no street right-of-way dedication is involved, (3) the public acquisition by purchase of strips of land for the widening or opening of streets.

Sec. 10. Powers Granted Herein Supplementary. The powers granted to the City of Charlotte by this Act shall be deemed supplementary to any powers heretofore or hereafter granted in its charter or by statute for the same or a similar purpose, and in any case where the provisions of this Act conflict with or are different from such provisions of its charter or statute, the governing body of the City of Charlotte may in its discretion proceed in accordance with the provisions of such charter or statute, or, as an alternative method, in accordance with the provisions of this Act. This Act shall have no effect upon any existing ordinances of the City of Charlotte. The adoption of any ordinance under authority of this Act shall have no effect upon any litigation which is pending at the time of the adoption of such ordinance.

Sec. 11. Repealing Clause. All laws and clauses of laws in conflict with the provisions of this Act except as indicated in Sec. 10 hereof, are hereby repealed to the extent of such conflict.

Sec. 12. Separability. If any Section, subdivision, clause, or provision of this Act shall be adjudged invalid, such adjudication shall apply only to

such Section, subdivision, clause, or provision so adjudged, and the remainder of the Act shall be deemed valid and effective.

Sec. 13. Effective Date. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1955.

S. B. 138 CHAPTER 125

AN ACT TO EXTEND THE GOVERNOR'S EMERGENCY WAR POWERS TO MARCH 1, 1957.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-33.2 is hereby amended by deleting from lines 5 and 6 thereof the words "prosecution of the war or the".

G. S. 147-33.2 is hereby further amended by deleting from lines 9 and 10 thereof the phrase "or for the proper conduct of the war and the successful prosecution thereof" and inserting in lieu thereof the words "during a period of war or threatened war".

G. S. 147-33.2 is hereby further amended by deleting from lines 11 and 12 thereof the words "existing state of" and inserting in lieu thereof the words "period of war or threatened".

G. S. 147-33.2 (a) (1) is hereby amended by deleting from line 4 thereof the word "the" and the semicolon appearing immediately after the word "war" and by adding to line 4 immediately following the word "war" the words "or during the period of a threatened war;".

G. S. 147-33.2 (a) (2) is hereby amended by deleting from line 6 thereof the words "for the duration of the" and inserting in lieu thereof the words "during a" and by inserting in line 6 thereof immediately following the word "war" the words "or period of threatened war".

G. S. 147-33.2 (h) is hereby amended by deleting from lines 7 and 8 thereof the words "the proper conduct of the" and inserting in lieu thereof the words "any action necessary to the safety of the State's people during a war or period of threatened".

G. S. 147-33.2 (h) (2) is hereby amended by deleting from line 4 thereof the words "and in the successful prosecution of the war effort".

G. S. 147-33.2 (h) (3) is hereby amended by deleting from line 4 thereof the words "and in the furtherance of the war program".

G. S. 147-33.2 (i) is hereby amended by deleting from lines 2 and 3 thereof the words "and the promotion of the war effort" and by deleting from lines 4 and 5 thereof the words "the war effort and".

G. S. 147-33.7 as the same appears in the 1953 Supplement to Volume 3B of the General Statutes of North Carolina is hereby amended by deleting from the second line thereof the figures "1955" and inserting in lieu thereof the figures "1957" and by deleting from the ninth line thereof the words "fifty-three" and inserting in lieu thereof the words "fifty-five".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1955.

H. B. 145 CHAPTER 126

AN ACT TO REQUIRE ALL OFFICIALS, BOARDS, COMMISSIONS AND OTHER GOVERNMENTAL BODIES VESTED WITH THE RIGHT TO APPOINT ANY OFFICER TO INVESTIGATE AND DETERMINE WHETHER OR NOT SUCH PROPOSED APPOINTEE IS ELIGIBLE TO HOLD OFFICE ACCORDING TO THE REQUIREMENTS OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Article 1 of Chapter 128 of Volume 3B of the General Statutes is hereby amended by adding to said Article a new Section which shall be designated as G. S. 128-2.1 and which new Section shall read as follows:

"G. S. 128-2.1. Duty of appointing authority to investigate as to eligibility for office. All public officers and any and all boards, bureaus, commissions or other governmental bodies or bodies exercising governmental powers vested with the authority to appoint any public officer in this State shall investigate and determine in good faith and to the best of his or their knowledge whether or not the proposed appointee is eligible to be appointed to and to hold such office according to the requirements of Article VI of the Constitution of North Carolina, and shall determine whether or not such proposed appointee is a qualified, registered voter as prescribed by law, before any such appointment to office shall be made and before any such proposed appointee shall actually be appointed to and inducted into office."

Sec. 2. This Act shall apply only to Pasquotank County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1955.

H. B. 163 CHAPTER 127

AN ACT FIXING THE COMPENSATION OF THE SHERIFF OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Ashe County shall receive a salary of five thousand dollars ($5000.00) per annum, payable from the general fund of the county, in equal monthly installments. In addition to such salary said sheriff shall receive an annual expense account of six hundred dollars

($600.00), payable in equal monthly installments, and travel expenses of seven cents (7c) per mile for necessary official travel on out of the county trips, said expense account and travel allowance to be paid from the general fund.

Sec. 2. That in addition to the compensation provided for in Section 1 hereof, said sheriff shall receive the fees for the service of process, either civil or criminal, as now allowed by law.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1955.

H. B. 210 CHAPTER 128

AN ACT AMENDING G. S. 18-143 RELATING TO APPROPRIATIONS FOR THE MALT BEVERAGE DIVISION OF THE STATE BOARD OF ALCOHOLIC CONTROL.

The General Assembly of North Carolina do enact:

Section 1. The first sentence of G. S. 18-143, as the same appears in Volume 1C of the General Statutes, is hereby stricken out and the following is substituted in lieu thereof:

"For the efficient administration and enforcement of this Article the expenditures for the Malt Beverage Division of the State Board of Alcoholic Control for the fiscal year 1954-55 shall be within the appropriation authorized for this purpose under the provisions of Chapter 1165 of the Session Laws of 1953. Subsequent annual appropriations for the Malt Beverage Division of the State Board of Alcoholic Control shall be of a sum in an amount of not less than five per centum (5%) of the net malt beverage taxes estimated to be collected under the provisions of the Revenue Laws. Said estimate of collections to be determined by the Director of the Budget based upon recommendations of the State Board of Alcoholic Control and the Director of the Tax Research Department."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1955.

S. B. 107 **CHAPTER 129**

AN ACT TO INCREASE THE NUMBER OF JUDICIAL DISTRICTS IN THE STATE OF NORTH CAROLINA IN ORDER TO PROVIDE A SUFFICIENT NUMBER OF RESIDENT JUDGES TO ADMINISTER JUSTICE WITHOUT UNDUE DELAY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-40 is amended and rewritten so as to read as follows:

"G. S. 7-40. Number of judges and solicitors.—The State shall be divided into thirty superior court judicial districts and twenty-one solicitorial districts as set out in G. S. 7-68."

Sec. 2. G. S. 7-68 is amended and rewritten so as to read as follows:

"G. S. 7-68. Number of Judicial and Solicitorial Districts.—The State shall be divided into thirty superior court judicial districts.

"The first district shall be composed of the following counties: Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans.

"The second district shall be composed of the following counties: Beaufort, Hyde, Martin, Tyrrell, Washington.

"The third district shall be composed of the following counties: Carteret, Craven, Pamlico, Pitt.

"The fourth district shall be composed of the following counties: Duplin, Jones, Onslow, Sampson.

"The fifth district shall be composed of the following counties: New Hanover, Pender.

"The sixth district shall be composed of the following counties: Bertie, Halifax, Hertford, Northampton.

"The seventh district shall be composed of the following counties: Edgecombe, Nash, Wilson.

"The eighth district shall be composed of the following counties: Greene, Lenoir, Wayne.

"The ninth district shall be composed of the following counties: Franklin, Granville, Person, Vance, Warren.

"The tenth district shall be composed of the following county: Wake.

"The eleventh district shall be composed of the following counties: Harnett, Lee, Johnston.

"The twelfth district shall be composed of the following counties: Cumberland, Hoke.

"The thirteenth district shall be composed of the following counties: Bladen, Brunswick, Columbus.

"The fourteenth district shall be composed of the following county: Durham.

"The fifteenth district shall be composed of the following counties: Alamance, Caswell, Chatham, Orange.

"The sixteenth district shall be composed of the following counties: Robeson, Scotland.

"The seventeenth district shall be composed of the following counties: Rockingham, Stokes, Surry.

"The eighteenth district shall be composed of the following county: Guilford.

"The nineteenth district shall be composed of the following counties: Cabarrus, Montgomery, Randolph, Rowan.

"The twentieth district shall be composed of the following counties: Anson, Moore, Richmond, Stanly, Union.

"The twenty-first district shall be composed of the following county: Forsyth.

"The twenty-second district shall be composed of the following counties: Alexander, Davidson, Davie, Iredell.

"The twenty-third district shall be composed of the following counties: Alleghany, Ashe, Wilkes, Yadkin.

"The twenty-fourth district shall be composed of the following counties: Avery, Madison, Mitchell, Watauga, Yancey.

"The twenty-fifth district shall be composed of the following counties: Burke, Caldwell, Catawba.

"The twenty-sixth district shall be composed of the following county: Mecklenburg.

"The twenty-seventh district shall be composed of the following counties: Cleveland, Gaston, Lincoln.

"The twenty-eighth district shall be composed of the following county: Buncombe.

"The twenty-ninth district shall be composed of the following counties: Henderson, McDowell, Polk, Rutherford, Transylvania.

"The thirtieth district shall be composed of the following counties: Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."

Sec. 3. There is hereby created the office of additional resident judge of each of the judicial districts herein designated as eighteenth and twenty-sixth, and the office of resident judge of each of the districts herein designated as second, third, ninth, thirteenth, fourteenth, sixteenth, twenty-second, twenty-fourth, and twenty-seventh, effective as of January 1, 1955. The Governor shall oppoint an additional resident judge for each of the districts herein designated as eighteenth and twenty-sixth, and a resident judge for each of the districts herein designated as second, third, ninth, thirteenth, fourteenth, sixteenth, twenty-second, twenty-fourth and twenty-seventh, to take office beginning July 1, 1955, and the successors of the Governor's appointees shall be chosen in the manner prescribed by law for other resident superior court judges in the general election of 1956 to serve for the unexpired portion of the term of eight years which began as of January 1, 1955, and their successors shall be chosen thereafter in the manner and serve for terms as prescribed for other resident superior court judges.

Sec. 4. The present resident judge of the present first judicial district shall be the resident judge of the first judicial district as herein designated; the present resident judge of the present second judicial district shall be the resident judge of the seventh judicial district as herein designated; the present resident judge of the present third judicial district shall be the resident judge of the sixth judicial district as herein des-

ignated; the present resident judge of the present fourth judicial district shall be the resident judge of the eleventh judicial district as herein designated; the present resident judge of the present fifth, judicial district shall be the resident judge of the eighth judicial district as herein designated; the present resident judge of the present sixth judicial district shall be the resident judge of the fourth judicial district as herein designated; the present resident judge of the present seventh judicial district shall be the resident judge of the tenth judicial district as herein designated; the present resident judge of the present eighth judicial district shall be the resident judge of the fifth judicial district as herein designated; the present resident judge of the present ninth judicial district shall be the resident judge of the twelfth judicial district as herein designated; the present resident judge of the present tenth judicial district shall be the resident judge of the fifteenth judicial district as herein designated; the present resident judge of the present eleventh judicial district shall be the resident judge of the twenty-first judicial district as herein designated; the present resident judge of the present twelfth judicial district shall be the senior resident judge of the eighteenth judicial district as herein designated; the present resident judge of the present thirteenth judicial district shall be the resident judge of the twentieth judicial district as herein designated; the present resident judge of the present fourteenth judicial district shall be the senior resident judge of the twenty-sixth judicial district as herein designated; the present resident judge of the present fifteenth judicial district shall be the resident judge of the nineteenth judicial district as herein designated; the present resident judge of the present sixteenth judicial district shall be the resident judge of the twenty-fifth judicial district as herein designated; the present resident judge of the present seventeenth judicial district shall be the resident judge of the twenty-third judicial district as herein designated; the present resident judge of the present eighteenth judicial district shall be the resident judge of the twenty-ninth judicial district as herein designated; the present resident judge of the present nineteenth judicial district shall be the resident judge of the twenty-eighth judicial district as herein designated; the present resident judge of the present twentieth judicial district shall be the resident judge of the thirtieth judicial district as herein designated; the present resident judge of the present twenty-first judicial district shall be the resident judge of the seventeenth judicial district as herein designated.

Sec. 5. The additional resident judge in each of the districts herein designated as eighteenth and twenty-sixth shall, in respect to the exercise of judicial power have equal jurisdiction, authority and status with the senior resident judge of such district; but all duties placed by the Constitution or statutes on the resident judge of a judicial district, including the appointment to and removal from office, which are not related to a case, controversy, or judicial proceeding and which do not involve the exercise of judicial power, shall be discharged by the resident judge of the judicial district senior in point of continuous service on the superior

court; and if two judges be of equal seniority, then by the judge who is senior in point of age.

Sec. 6. In conformity with the Constitution, Article IV, Section 23, the solicitorial districts shall not be affected by this Act but shall remain as now constituted, viz:

The first solicitorial district shall be composed of the following counties: Beaufort, Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell.

The second solicitorial district shall be composed of the following counties: Edgecombe, Martin, Nash, Washington, Wilson.

The third solicitorial district shall be composed of the following counties: Bertie, Halifax, Hertford, Northampton, Vance, Warren.

The fourth solicitorial district shall be composed of the following counties: Chatham, Harnett, Johnston, Lee, Wayne.

The fifth solicitorial district shall be composed of the following counties: Carteret, Craven, Greene, Jones, Pamlico, Pitt.

The sixth solicitorial district shall be composed of the following counties: Duplin, Lenoir, Onslow, Sampson.

The seventh solicitorial district shall be composed of the following counties: Franklin, Wake.

The eighth solicitorial district shall be composed of the following counties: Brunswick, Columbus, New Hanover, Pender.

The ninth solicitorial district shall be composed of the following counties: Bladen, Cumberland, Hoke, Robeson.

The tenth solicitorial district shall be composed of the following counties: Alamance, Durham, Granville, Orange, Person.

The eleventh solicitorial district shall be composed of the following counties: Ashe, Alleghany, Forsyth.

The twelfth solicitorial district shall be composed of the following counties: Davidson, Guilford.

The thirteenth solicitorial district shall be composed of the following counties: Anson, Moore, Richmond, Scotland, Stanly, Union.

The fourteenth solicitorial district shall be composed of the following counties: Gaston, Mecklenburg.

The fifteenth solicitorial district shall be composed of the following counties: Alexander, Cabarrus, Iredell, Montgomery, Randolph, Rowan.

The sixteenth solicitorial district shall be composed of the following counties: Burke, Caldwell, Catawba, Cleveland, Lincoln, Watauga.

The seventeenth solicitorial district shall be composed of the following counties: Avery, Davie, Mitchell, Wilkes, Yadkin.

The eighteenth solicitorial districts shall be composed of the following counties: Henderson, McDowell, Polk, Rutherford, Transylvania, Yancey.

The nineteenth solicitorial district shall be composed of the following counties: Buncombe, Madison.

The twentieth solicitorial district shall be composed of the following counties: Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain.

The twenty-first solicitorial district shall be composed of the following counties: Caswell, Rockingham, Stokes, Surry.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

S. B. 167 CHAPTER 130

AN ACT TO AMEND SECTION 1 OF CHAPTER 280, OF THE PRIVATE LAWS OF NORTH CAROLINA, 1891, CHANGING THE NAME OF THE TOWN OF JACKSONVILLE TO THE CITY OF JACKSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the name of the "Town of Jacksonville", Onslow County, North Carolina, as set forth in Section 1 of Chapter 280 of the Private Laws of North Carolina 1891, being the Charter of the Town of Jacksonville, is hereby stricken out and the name "City of Jacksonville" is inserted in lieu thereof and that henceforth the official name of said municipality shall be the "City of Jacksonville".

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

S. B. 168 CHAPTER 131

AN ACT TO FIX THE RECORDING FEES ON AGRICULTURAL LIENS, TITLE NOTES AND CHATTEL MORTGAGES IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the fee for recording Agricultural Liens in Beaufort County, shall be ninety cents (90 cents) for each lien recorded and ten cents (10 cents) for Clerk's fee: Provided, the form used is identical as set out in Chapter 101, Page 71, Public Laws of North Carolina 1933 Session.

Sec. 2. That the fee for recording Title Notes in Beaufort County, shall be sixty-five cents (65 cents) for each note recorded and ten cents (10 cents) for Clerk's fee: Provided, the form used is identical as set out in Chapter 101, Page 71, Public Laws of North Carolina 1933 Session.

Sec. 3. That the fee for recording Chattel Mortgages in Beaufort County, shall be sixty-five cents (65 cents) for each Chattel Mortgage recorded and ten cents (10 cents) for Clerk's fee: Provided, the form used is identical as set out in Chapter 45, Section 1, General Statutes of North Carolina.

Sec. 4. That the fee for recording Production Credit Association Agricultural Liens in Beaufort County, shall be one dollar ($1.00) for each lien recorded and twenty-five cents (25 cents) for Clerk's fee: Provided, the form used is substantially the same as Production Credit Association Form 401B and does not contain more words, nor more blank space for description of property, than is now provided in said Form 401B.

Sec. 5. All other Agricultural Liens, Title Notes and Chattel Mortgages, not like those herein referred to, shall take the same rate for registration as is now charged for recording Deeds and Deeds of Trust in Beaufort County.

Sec. 6. That a fee of twelve and one-half cents (12½ cents) per name shall be charged in Beaufort County for indexing all names in excess of four grantors and two grantees, in both Chattel and Real Estate papers.

Sec. 7. That a minimum fee of twenty-five cents (25 cents) shall be charged in Beaufort County for indexing Real Estate papers in the Chattel Index; provided, however, that a fee of twelve and one-half cents (12½ cents) per name shall be charged for indexing all names in excess of four grantors in the Chattel Index.

Sec. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 155 CHAPTER 132

AN ACT TO CONVEY CERTAIN LOTS IN THE KITTY HAWK SHORES SUBDIVISION, KILL DEVIL HILL NATIONAL MEMORIAL, IN ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA TO THE UNITED STATES OF AMERICA.

WHEREAS, by Chapter 351 of the Session Laws of 1953, the Governor was authorized to appoint a commission of nine (9) persons with authority to promote, conduct and participate in the Fiftieth Anniversary Celebration of the first flight of power-driven, heavier-than-air machine which occurred on Kitty Hawk, North Carolina, on December 17, 1903, and

WHEREAS, said Act authorized the said Commission to acquire title in the name of the State of North Carolina to any lands in the vicinity of Kill Devil Hill National Memorial, in Atlantic Township, Dare County, North Carolina, which land was to be conveyed to the United States of America for national park purposes to be added to the Kill Devil Hill National Memorial, the said conveyances to be subject to the conditions and reservations of jurisdiction and authority as set out in Section 4 of said Act, and

WHEREAS, under authority of said Act, the Governor and Council of State has heretofore on December 11, 1953, allocated from the Contingency and Emergency Fund the sum of twenty-five thousand dollars

($25,000.00) to the said Commission for the purpose of acquiring title to land for the said purpose of the said allocation resolution providing that the same was subject to the condition that an additional amount of not less than eighty-three thousand dollars ($83,000.00) should be provided for the said purpose from private sources and, further providing, that in lieu of the said Commission acquiring title to the said land for conveyance to the United States of America that said allocation be made available to the United States of America to be used for said purpose together with the funds contributed from private sources as aforesaid, and

WHEREAS, said acquisitions of land have been made or are now in the process of being made by the United States of America for said purpose, and

WHEREAS, by deed which is recorded in the registrar's office in Dare County, in Book 25, page 141, Dare County conveyed to the State of North Carolina certain property including lots 37 and 38 in Block 52, Kitty Hawk Shores, for the purpose of being conveyed by the State of North Carolina to the United States of America to become a part of Cape Hatteras National Recreational Area providing that if such conveyance was not accepted for said purpose the title of said land should revert to Dare County, and

WHEREAS, the boundaries of the Cape Hatteras National Recreational Area was so defined as to exclude said lots, and

WHEREAS, at the meeting of the Board of County Commissioners of Dare County, held on January 4, 1955, the following resolution was adopted:

"On motion duly made by J. W. Scarborough, seconded by W. H. Lewark and unanmiously carried that the board recommend to Hon. R. Bruce Etheridge that he sponsor suitable legislation authorizing the Governor and Council of State to convey to the United States of America a small tract of land known as Lot 37 and 38 in Block 52 of Kitty Hawk Shores subdivision to be included in the Wright Brothers Memorial Area." Now, therefore,

The General Assembly of North Carolina do enact:

Section. 1. The said Lots 37 and 38 in Block 52 of Kitty Hawk Shores subdivision which is a proper and necessary part of Kill Devil Hill National Memorial, in Atlantic Township, Dare County, otherwise known as the Wright Brothers Memorial Area, shall be conveyed to the United States of America by deed executed by the Governor and attested by the Secretary of State, and shall convey the said land in fee simple to the United States of America to be included as a part of the said Kill Devil Hill National Memorial.

Sec. 2. The State of North Carolina does hereby reserve and retain a concurrent jurisdiction and authority with the United States over said lands as that all civil and criminal writs, processes, orders, and notices issued from its courts, or in any civil or criminal action or proceedings therein, may be served and executed thereon, and all violations thereon of its criminal and other laws may be punished and the violators dealt with according to said laws, in like manner and with like effect as if such con-

veyances had never been executed, it being expressly provided that the continued existence of this jurisdiction and authority is a condition upon which such conveyances depend.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 168 CHAPTER 133

AN ACT AUTHORIZING THE CITY OF SHELBY TO PURCHASE FROM D. W. ROYSTER A CERTAIN TRACT OF LAND IN THE CITY OF SHELBY AND TO EXECUTE A PURCHASE MONEY MORTGAGE ON SAID PROPERTY FOR THE BALANCE OF THE PURCHASE PRICE.

The General Assembly of North Carolina do enact:

Section 1. That the City of Shelby, in Cleveland County, is hereby authorized and empowered to purchase from D. W. Royster for public purposes a certain piece or parcel of land situate on the East side of South Washington Street and the South side of Graham Street in the City of Shelby and known as the J. R. Dover home place, said property having a frontage of one hundred feet on South Washington Street and two hundred feet on Graham Street, at the price of thirty-eight thousand dollars ($38,000) upon the following terms: The payment of ten thousand dollars ($10,000) cash upon the execution and delivery to said city of a good and sufficient warranty deed conveying said property to said city in fee simple; the balance of twenty-eight thousand dollars ($28,000) to be paid in one installment some time during the fiscal year 1955-1956. The governing body of the City of Shelby is hereby authorized and empowered to execute upon behalf of said city and deliver to the said D. W. Royster one promisory note in the amount of twenty-eight thousand dollars ($28,000) representing said deferred payment, and bearing interest at a rate to be agreed upon by the parties but not to exceed six per cent (6%) per annum from date until paid, said note to become due and payable on a date to be agreed upon by the parties but not later than June 30, 1956; said governing body is further authorized and empowered to execute on behalf of said city and deliver to the said D. W. Royster a purchase money mortgage or deed of trust conveying title to said property as security for said deferred payment in the amount of twenty-eight thousand dollars ($28,000).

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 185 **CHAPTER 134**

AN ACT TO ADD PAMLICO TO THE LIST OF COUNTIES GOVERNED BY THE PROVISO OF G. S. 67-13, RELATING TO THE DISTRIBUTION OF DOG TAXES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 67-13, as the same appears in the 1953 Cumulative Supplement of Volume 2B of the General Statutes, is hereby amended by inserting after the word "Orange" and before the word "Perquimans," in the second line from the bottom of said Section, the following: "Pamlico."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 207 **CHAPTER 135**

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF ALEXANDER COUNTY TO SELL AND CONVEY ALL OR ANY PART OF THE TRACT OF LAND FORMERLY USED BY SAID COUNTY IN CONNECTION WITH THE OPERATION AND MAINTENANCE OF THE COUNTY HOME FARM.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Alexander County is hereby authorized and empowered to sell at either public auction or private sale the entire tract or any part of the land owned by said county and formerly used by said county in connection with the operation and maintenance of the County Home Farm when said board shall find as a fact that said property is no longer needed for public purposes. If said sale shall be made at public auction, notice of sale shall be published once a week for four successive weeks in a newspaper of general circulation in the county and a copy of said notice shall be posted at the courthouse door for thirty days immediately preceding such sale. After any such public sale, the board of county commissioners is authorized to reject any bid, which, in the opinion of the board, does not represent the fair market value of said lands. If after public auction, the board of county commissioners rejects the highest bid so made, further public auctions may be held or said lands may be sold at private sale at a higher price than that offered as the highest bid at the public auction.

Sec. 2. In carrying out the provisions of this Act, the Board of Commissioners of Alexander County is authorized to execute all necessary deed or deeds conveying to the purchaser or purchasers title to the lands described in this Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 235 CHAPTER 136

AN ACT RELATING TO THE TERMS OF AGRICULTURAL TENANCIES IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of G. S. 42-23 is amended by inserting after the comma following the word "Sampson" and before the word "and", in line four, of said paragraph, the word "Wayne".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 236 CHAPTER 137

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF WAYNE COUNTY TO TURN INTO THE GENERAL FUND ALL TAXES COLLECTED FOR THE YEAR NINETEEN HUNDRED AND FIFTY-ONE AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Wayne County be and is hereby authorized and empowered in its discretion to turn into the general fund of the County the proceeds of all uncollected taxes, which may hereafter be collected, for the year 1951 and all prior years.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 238 CHAPTER 138

AN ACT TO EXCEPT EMPLOYEES OF THE FEDERAL GOVERNMENT FROM THE PROVISIONS OF THE FINANCIAL RESPONSIBILITY ACT WITH RESPECT TO ACCIDENTS COVERED BY THE FEDERAL TORT CLAIMS ACT.

The General Assembly of North Carolina do enact:

Section 1. Subsection (c) of Section 20-279.5 of the General Statutes is hereby amended by inserting therein immediately following paragraph

numbered 4 a new paragraph to be numbered 5 and to read as follows:

"To any employee of the United States Government while operating a vehicle in its service and while acting within the scope of his employment, such operations being fully protected by the Federal Tort Claims Act of 1946, which affords ample security to all persons sustaining personal injuries or property damage through the negligence of such Federal employee."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 267 CHAPTER 139

AN ACT TO AMEND AND RE-ENACT CHAPTER 75 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1937 RELATING TO THE TAX COMMISSION OF CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 7 of Chapter 75 of the Public-Local and Private Laws of 1937 is rewritten to read as follows:

"Sec. 7. The Tax Supervisor for Catawba County serving in such capacity shall continue in office until the first Monday in December 1958 and until his successor is appointed and qualified. On the first Monday in December, 1958, and quadrennially thereafter, the Tax Commission shall appoint a Tax Supervisor for Catawba County who shall serve in such capacity for a period of four (4) years and until his successor is appointed and qualified. Any vacancy occurring in the office of tax supervisor for Catawba County shall be filled by the Tax Commission for the unexpired term. The tax supervisor so appointed shall devote his entire time to his duties and shall be paid such compensation as may be fixed by the Board of County Commissioners of Catawba County of not less than one thousand eight hundred dollars ($1,800.00) per year plus actual and necessary traveling expenses.

"The Tax Commission of Catawba County is authorized to appoint an assistant tax supervisor to serve at its pleasure and who shall be paid a salary to be fixed by the county commissioners. The assistant tax supervisor so appointed shall be an expert property appraiser of industry and other property."

Sec. 2. Chapter 75 of the Public-Local and Private Laws of 1937, as amended by this Act, is hereby re-enacted, and, notwithstanding the provisions of Chapter 310 of the Public Laws of 1939 and all amendments thereto, said Act shall continue in full force and effect. All actions and procedures taken, had or performed by the Tax Commission of Catawba County and the board of commissioners of said county under authority of Chapter 75 of the Public-Local and Private Laws of 1937 are hereby confirmed, ratified and validated.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 268 CHAPTER 140

AN ACT AUTHORIZING THE GOVERNING BODY OF THE CITY OF CONCORD TO SELL THE PRESENT CITY HALL AND CITY HALL ANNEX AND THE LOT ON WHICH SAID BUILDINGS ARE NOW LOCATED.

The General Assembly of North Carolina do enact:

Section 1. The Governing Body of the City of Concord is hereby empowered and authorized to sell the present City Hall and City Hall Annex of the City of Concord and the lot on which said buildings are located at public auction; said lot fronts on South Union Street, Barbrick Street and Market Street. Sale may be made after thirty (30) days public notice, said notice being published in a newspaper once a week for at least four successive weeks in a newspaper qualified for legal advertising, published in the City of Concord, N. C. All other procedures of said sale shall be set forth by a resolution duly adopted by the Governing Body. The Governing Body of the City of Concord shall be authorized to execute any and all deeds, papers and documents necessary to effectuate said sale.

Sec. 2. That the funds derived from sale of City Hall property, or such part thereof as may be necessary, in the discretion of the Governing Body, may be used to build or purchase and furnish and equip a new City Hall. Any excess of funds so received may be allocated to the General Fund to be used as the Governing Body deems best.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 276 CHAPTER 141

AN ACT AMENDING SECTION 18-13 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE SALE OF CONFISCATED BEVERAGES—TO APPLY TO GUILFORD COUNTY ONLY.

The General Assembly of North Carolina do enact:

Section 1. That the words "ninety days" be stricken from the second and third lines of that portion of Section 18-13 appearing on page 152 of Volume 1C of the General Statutes of North Carolina, and in its place there be inserted the words "twelve months."

Sec. 2. That this Act shall apply to Guilford County only.

Sec. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 277 CHAPTER 142

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY TO NAME OR ALTER THE NAMES OF ROADS OR STREETS IN GUILFORD COUNTY OUTSIDE OF THE CORPORATE LIMITS OF THE CITIES AND TOWNS IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Guilford County is hereby authorized and empowered but not directed, in its discretion, to give a name or other designation to any street, road, highway, alley or driveway in Guilford County, outside of the corporate limits of any incorporated city or town.

Sec. 2. The Board of County Commissioners of Guilford County, in its discretion, is hereby authorized to change, alter or add to the name of any street, road, highway, alley or driveway in Guilford County outside of the corporate limits of any incorporated city or town. This power may be exercised on the same street, road, highway, alleyway or driveway, as often as to the Board of County Commissioners seems expedient.

Sec. 3. Nothing in this Act shall be construed to allow the board of county commissioners to change the number assigned to any street, road, highway, alley, or driveway by the State Highway and Public Works Commission; but the board of county commissioners may give such street, highway or other thoroughfare a name in addition to its number.

Sec. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 3rd day of March, 1955.

H. B. 278 CHAPTER 143

AN ACT TO AMEND GENERAL STATUTES OF NORTH CAROLINA SECTION 161-23 AS IT APPLIES TO GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That General Statutes of North Carolina Section 161-23 be and it is hereby amended by adding to said Section the following proviso:

"Provided that in Guilford County, the Board of County Commissioners may, in its discretion, authorize any of its employees to serve as clerk to said board; and said employee as such clerk shall have and exercise all of the power and authority and perform all the duties of the register of deeds of said county, when serving as ex officio clerk to said board; and in case of such authorization, the Register of Deeds of Guilford County, as clerk to said board shall not have any power or authority to perform any duties.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 311 CHAPTER 144

AN ACT TO AMEND CHAPTER 984 OF THE 1953 SESSION LAWS RELATING TO THE EMPLOYMENT OF A PLUMBING INSPECTOR IN UNINCORPORATED AREAS AND IN CERTAIN INCORPORATED AREAS SO AS TO MAKE THE PROVISIONS OF THAT ACT APPLICABLE TO SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 984 of the 1953 Session Laws is hereby amended by inserting the word "Surry" immediately following the word "Guilford" and immediately preceding the word "and" in said Section.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 334 CHAPTER 145

AN ACT TO AMEND SECTION 104 OF CHAPTER 1184 OF THE SESSION LAWS OF NORTH CAROLINA 1949 (CHARTER OF THE CITY OF RALEIGH).

The General Assembly of North Carolina do enact:

Section 1. That Section 104 of Chapter 1184 of the Session Laws of North Carolina 1949 be amended by inserting between the words "advantage" and "such" in line 24 the words "either general or special".

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 340 CHAPTER 146

AN ACT TO AMEND EXISTING LAWS IN REFERENCE TO DISTRIBUTION OF PROFITS OF THE ALCOHOLIC BEVERAGE CONTROL BOARD OF MOORE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That, after deducting the amount expended for law enforcement and the payment of all expenses of operating the Alcoholic Beverage Control store in Southern Pines, including a pro rata part of general overhead expenses of the Alcoholic Beverage Control Board, ten per cent (10%) of the total profits derived from the operation of said store in Southern Pines, to be determined from quarterly audits, shall be paid within the next following quarter by the County Board of Alcoholic Beverage Control of Moore County to the Town of Southern Pines, North Carolina.

Sec. 2. For the purpose of this Act, the total amount chargeable to the Southern Pines store for law enforcement and overhead expenses shall be determined by ascertaining the total amount expended for such purposes by the Moore County Alcoholic Beverage Control Board and allocating to the store at Southern Pines such proportionate part thereof as the net sales of the Southern Pines store bears to the total net sales of all stores in the county.

Sec. 3. The sums payable as aforesaid shall be in lieu of all the funds the Town of Southern Pines shall be entitled to receive from the County Alcoholic Beverage Control Board from profits and/or funds for law enforcement heretofore provided for on behalf of the Town of Southern Pines.

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. That this Act shall be in full force and effect from and after July 1, 1954.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

H. B. 368 **CHAPTER 147**

AN ACT TO AMEND CHAPTER 171 OF THE SESSION LAWS OF 1953 CODIFIED AS SECTION 160-200(31) OF THE GENERAL STATUTES RELATING TO THE USE OF PARKING METER RECEIPTS AND ELIMINATING THE EXEMPTION OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 171 of the Session Laws of 1953 entitled "An Act to Amend Section 160-200 (31) of the General Statutes Relating to the Use of Parking Meter Receipts" is hereby amended by striking out the last sentence contained in Section 1 and reading as follows: "Provided however that this Act shall not apply to the city of Asheville."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1955.

S. B. 146 **CHAPTER 148**

AN ACT PROVIDING FOR THE APPOINTMENT OF A CLERK FOR THE MAYOR'S COURT OF TOWN OF STANTONSBURG.

The General Assembly of North Carolina do enact:

Section 1. The Town Clerk of the Town of Stantonsburg shall serve as Clerk of the Stantonsburg Mayor's Court in addition to her duties as Town Clerk. The Town Clerk of the Town of Stantonsburg as Clerk of said Mayor's Court shall have authority and power to issue warrants returnable to said court and fix bonds for defendants arrested pursuant to said warrants. The Clerk shall be further authorized to issue capias upon direction of the presiding judge of said court who is the Mayor of Stantonsburg.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

S. B. 149 **CHAPTER 149**

AN ACT RELATING TO THE SALARY OF THE BOARD OF ALDERMEN IN THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 2 of Chapter 305 of the Session Laws of 1949 is amended to read as follows:

"Members of the board shall receive compensation for their services in an amount not to exceed one hundred dollars ($100.00) per month as may be determined by the board. The compensation herein provided for shall be paid out of the General Fund of the City of Winston-Salem."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

S. B. 150 CHAPTER 150

AN ACT TO AMEND CHAPTER 161 OF THE PRIVATE LAWS OF 1860-1861, RELATING TO THE ELECTION OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF PRINCETON.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 161 of the Private Laws of 1860-1861 is rewritten to read as follows:

"Sec. 5. The regular election for the office of mayor and members of the board of commissioners shall be held on Tuesday after the first Monday in May, 1955, and biennially thereafter, under the laws of North Carolina governing municipal elections. At the regular election held in May, 1955, and biennially thereafter, a mayor and four commissioners shall be elected at large by the qualified voters of the Town of Princeton. The mayor shall serve for a term of two years or until his successor is duly elected and qualified. The commissioners shall serve for a term of four years provided, however, that at the municipal election to be held on Tuesday after the first Monday in May, 1955, the two commissioners receiving the highest number of votes shall serve for terms of four years each, and the two commissioners receiving the next highest number of votes shall serve for terms of two years each. Thereafter, as their terms of office expire, the commissioners shall be elected for terms of four years each and shall serve until their successors are elected and qualified."

Sec. 2. Section 6 of Chapter 161 of the Private Laws of 1860-1861 is rewritten to read as follows:

"Sec. 6. Any qualified elector of the Town of Princeton may file as a candidate for mayor or commissioner by formal notice of candidacy in substantially the following form:

I, ..., hereby give notice that I reside at ..... Street, in the Town of Princeton; that I am a candidate for election to the office of ....., to be voted on at the election to be held on ....., and I

hereby request that my name be printed on the official ballot for such office.

.....Candidate

.....Date

Witness:

.....

"Such notice must be filed with the town clerk not earlier than sixty (60) days nor later than thirty (30) days before the date of election. The town clerk shall preserve all such notices until expiration of the term of the office for which the candidate filed. Any candidate may withdraw his nomination not later than the last day for filing notice of candidacy by filing a notice of withdrawal with the clerk. At the time of filing the notice of candidacy for the office of commissioner or mayor, each candidate for such office shall pay to the clerk a filing fee of one dollar ($1.00). This fee shall be used to defray the cost of election, and should any candidate withdraw as provided for in this Act, his filing fee shall be forfeited."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

S. B. 151 CHAPTER 151

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF EDUCATION OF AVERY COUNTY TO EXCHANGE CERTAIN REAL PROPERTY WITH CROSSNORE SCHOOL, INCORPORATED.

The General Assembly of North Carolina do enact:

Section 1. Without complying with the provisions of G. S. 115-86 relating to the sale of school property at public auction, the Board of Education of Avery County is hereby authorized and empowered to convey to the Crossnore School, Incorporated, a North Carolina corporation, those two certain tracts of land located in Altamont Township, Avery County, North Carolina, containing three and one-half acres (3½ acres), more or less, and fully described by metes and bounds in the following deeds of conveyance from Crossnore School, Incorporated, to the Board of Education of Avery County: (1) Deed dated April 28, 1920, and duly recorded in the office of the Register of Deeds for Avery County, North Carolina, in Deed Book 16, at page 558; (2) Deed dated June 16, 1927, and duly recorded in the office of said Register of Deeds in Deed Book 22, at page 193. Said conveyance shall be made only after a finding of fact by said board of education that said lands and premises are no longer necessary for school purposes and shall be made in consideration of a conveyance of other property belonging to said Crossnore School, Incorporated, to said board of education, which lands are at least equal in value to the lands herein authorized to be conveyed by the Board of Education of Avery County to Crossnore School, Incorporated, and are more suitable for school purposes

than the lands herein authorized to be conveyed by said board to Crossnore School, Incorporated.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

S. B. 155 CHAPTER 152

AN ACT RELATING TO THE ELECTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF ELM CITY IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 224 of the Private Laws of 1933 providing for primary elections for the Town of Elm City is repealed.

Sec. 2. The Mayor and Commissioners of the Town of Elm City now serving in such capacity shall hold office until the first Tuesday after the first Monday in May, 1955 and until their successors are elected and qualified. On the first Tuesday after the first Monday in May, 1955, and biennially thereafter, there shall be elected by the electors of the Town of Elm City a mayor and five commissioners, who shall hold office for a term of two years and until their successors are elected and qualified.

Sec. 3. At the elections provided for in Section 2 of this Act the person receiving the highest number of votes cast for mayor shall be declared the mayor of said town, and the five persons receiving the highest number of votes cast for the office of commissioner shall be declared commissioners of said town. The elections provided for in this Act shall be conducted under the General Municipal Election Laws of this State as is set forth in Article 2 of Chapter 160 of the General Statutes of North Carolina. The candidates for office in the elections provided for in this Act shall be voted for by the electors of the town voting as a whole.

Sec. 4. Any qualified resident of the Town of Elm City desiring to become a candidate for an elective office shall, on or before 12 o'clock noon on the first Monday in April preceding any election held hereunder, file with the town clerk his or her declaration of candidacy for election to the office for which he or she is a candidate and in such declaration shall state his or her name, age, place of residence, length of time of residence in the town and at the time of such filing pay to the Town of Elm City a filing fee of three dollars ($3.00).

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 20 **CHAPTER 153**

AN ACT TO AMEND CHAPTER 340 OF THE SESSION LAWS OF 1951 RELATING TO THE NOMINATION OF COUNTY COMMISSIONERS IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 340 of the Session Laws of 1951 is rewritten to read as follows:

"Sec. 5. At the next primary or convention to be held in Cleveland County for the nomination of county officers there shall be nominated one commissioner from each of the five (5) districts herein provided for. Candidates in said primary or convention shall be voted on by all the qualified voters of Cleveland County voting as a whole. The candidate from each district receiving a majority of the votes cast in said election shall be declared to be the candidates of their political party duly nominated for the general election."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 89 **CHAPTER 154**

AN ACT ABOLISHING THE OFFICE OF COUNTY TREASURER AND TRANSFERRING THE DUTIES OF SAID OFFICE TO THE COUNTY ACCOUNTANT OF PERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the office of County Treasurer of Person County be and the same is hereby abolished as of June 30th 1955 and the duties of the treasurer of said county shall on and after July 1, 1955, be performed by the county accountant of said county appointed in conformity with the provisions of G. S. 153-115.

Sec. 2. That should the office of Treasurer of Person County become vacant prior to June 30th 1955, due to the death or resignation of the present county treasurer, said office of county treasurer is hereby abolished upon the death or resignation of the incumbent; and in that event the functions of county treasurer shall immediately be performed by the county accountant.

Sec. 3. The Board of Commissioners of Person County is hereby authorized to fix in its discretion the salary of the county accountant-treasurer of said county to be paid monthly from the general fund of the county.

Sec. 4. The County Accountant-Treasurer of Person County shall be required to make and execute a separate bond as treasurer in conformity with the requirements of G. S. 155-2.

Sec. 5. On or after July 1, 1955, the county accountant-treasurer is authorized and directed to place the surplus funds of the county on time deposit at interest in some bank or trust company designated by the board of county commissioners or to invest all or any portion of such surplus funds upon approval by the board of county commissioners in either bonds, notes, or certificates of indebtedness of the United States of America; or in bonds or notes of an agency or instrumentality of the United States of America, the payment of principal and interest of which is guaranteed by the United States of America; or in bonds or notes of the State of North Carolina; or in shares of any building and loan association organized and licensed under the laws of the State, or in shares of any Federal savings and loan association organized under the laws of the United States with its principal office in this State, to the extent that such investment is insured by the Federal Savings and Loan Insurance Corporation.

When the United States Government securities hereinbefore mentioned are purchased and sold in New York City, New York, or in Richmond, Virginia, or in Charlotte, North Carolina, and it is not deemed practical to actually transport any or all such securities from the cities hereinbefore mentioned to Roxboro, North Carolina, and from Roxboro, North Carolina, to any of the cities hereinbefore mentioned upon the purchase or sale of such securities, the County Accountant-Treasurer of Person County, upon authority of the board of county commissioners, is hereby authorized to name a bank or banks with which such securities may be left in a safe keeping account whether in the name of Person County or in the name of a bank or trust company designated by the board of county commissioners, and designated by the board of county commissioners as a bank which may hold such securities in its customer's account with a bank in any of the three cities hereinbefore mentioned likewise designated by the board of county commissioners. No security shall be required for the protection of security or investments thus held for safe keeping. No officer or employee of the County of Person including the officer or employees having charge or custody of the funds of Person County, or the surety or sureties on any official bond shall be liable for any losses sustained when United States securities and investments are deposited or left with any bank or banks in the manner herein above authorized.

Prior to June 30, 1955, the Treasurer of Person County is authorized to make such deposits of surplus funds or to make such investments as hereinbefore set out and in the manner hereinbefore described with the advice and counsel of the county accountant.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall become effective on July 1, 1955 except as to those provisions requiring action to be taken prior to said date, and as to said actions this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and raitfied, this the 4th day of March, 1955.

H. B. 189 **CHAPTER 155**

AN ACT TO PROVIDE FOR THE ADMINISTRATION BY THE STATE BOARD OF HEALTH OF THE STATE'S ACTIVITIES RELATING TO COMMUNITY MENTAL HEALTH CLINICS.

The General Assembly of North Carolina do enact:

Section 1. Amend Chapter 130 of the General Statutes by adding at the end of said Chapter a new Article to be designated as Article 30, and which Article shall read as follows:

"Article 30

"Mental Health Outpatient Clinics.

"§ 130-293. Designation of State Board of Health.—The State Board of Health is hereby designated as the State's mental health authority for purposes of administering Federal funds allotted to North Carolina under the provisions of the National Mental Health Act and similar Federal legislation pertaining to mental health activities. The State Board of Health is further designated as the State agency authorized to establish and administer minimum standards and requirements for mental health clinics as condition for participation in Federal-State grants-in-aid, and is authorized to promote and develop community mental health outpatient clinics in accordance with the State policy hereafter expressed: Provided, that nothing in this Article shall be construed to prohibit the operation of outpatient mental clinics by the North Carolina Hospitals Board of Control under the provisions of G. S. 122-11.6, or the operation of an outpatient mental clinic at the North Carolina Memorial Hospital in Chapel Hill.

"§ 130-294. State policy.—It shall be the policy of the State to develop programs pertaining to mental health clinics and related activities in accordance with the traditional State-local partnership in health affairs. It shall be the policy of the State to promote the establishment of mental health outpatient clinics only in those localities which have shown a readiness to contribute to the financial support of such clinics, assisted by Federal and State grants-in-aid to the extent available.

"§ 130-295. Authority of local governmental units.—The governing authorities of local governmental units are authorized to appropriate funds for the support or partial support of outpatient mental clinics which serve such localities whether or not the facilities of the clinic are physically located within the boundaries of such cities, towns or counties, and whether or not such clinics are owned or operated by the local governmental units, and such support or partial support is hereby declared to be a necessary expense within the meaning of Article VII, Section 7 of the North Carolina Constitution."

Sec. 2. G. S. 122-11.6 is hereby changed and amended by striking out all of the language of said Section and substituting in lieu thereof the following:

"The North Carolina Hospitals Board of Control is authorized to establish, in its discretion, outpatient mental hygiene clinics at any of

the institutions under its control, and to operate such outpatient facilities as are essential for its inservice training program in psychiatric care and treatment."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 218 CHAPTER 156

AN ACT TO AMEND CHAPTER 27 OF THE 1945 SESSION LAWS ENTITLED "AN ACT TO AUTHORIZE THE COUNCIL OF THE CITY OF HIGH POINT TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN TRAFFIC VIOLATIONS WITHIN THE CITY."

The General Assembly of North Carolina do enact:

Section 1. That Chapter 27 of the 1945 Session Laws of North Carolina be amended by striking from Section 1 of said Act the following:

"Not displaying proper lights

Making U turn in street where prohibited

Illegal left or right turn

Disregard of stop sign

Obstructing traffic."

Sec. 2. That all laws or clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 255 CHAPTER 157

AN ACT TO AMEND CHAPTER 460 OF THE SESSION LAWS OF 1947, AS AMENDED BY CHAPTER 184 OF THE SESSION LAWS OF 1951, AND CHAPTER 104 OF THE PUBLIC LAWS OF 1909, AND CHAPTER 320 OF THE PUBLIC LAWS OF 1911, RELATING TO THE RECORDER'S COURT OF THE CITY OF REIDSVILLE.

WHEREAS, at the regular meeting of the City Council of the City of Reidsville, held on February 10, 1955, the enactment of the legislation herein presented was requested: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Chapter 460 of the Session Laws of 1947, as amended by Chapter 184 of the Session Laws of 1951, is hereby amended by striking out of Section 1 the last sentence thereof and by inserting in lieu thereof the following:

"The salary of the recorder, however, shall not exceed four thousand, two hundred dollars ($4,200.00) annually."

Sec. 2. That Chapter 460 of the Session Laws of 1947, as amended by Chapter 184 of the Session Laws of 1951, is hereby amended by striking out of Sec. 2 the last sentence thereof and by inserting in lieu thereof the following:

"The salary of said prosecuting attorney, however, shall not exceed three thousand, eight hundred dollars ($3,800.00)."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 272 CHAPTER 158

AN ACT TO PROVIDE FOR STAGGERED TERMS FOR COUNTY COMMISSIONERS FOR GRANVILLE COUNTY, TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY TO DESIGNATE ANY COUNTY OFFICIAL OR EMPLOYEE AS CLERK TO THE BOARD, PROVIDING FOR OPEN MEETINGS OF THE BOARD, AUTHORIZING THE BOARD TO OBTAIN PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE, AND TO RESTRICT COUNTY LIABILITY FOR INJURY TO LIVESTOCK CAUSED BY DOGS.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 341 of the Public-Local and Private Laws of 1939 is rewritten to read as follows:

"Sec. 2. At the primary election to be held in Granville County in 1956 for the nomination of county officers there shall be nominated by each political party one candidate for county commissioner from each of the districts designated in Section 1 of this Act. The candidates from each of said districts shall be voted for by the qualified electors of the entire county voting as a whole. The candidate from each district receiving a majority of the votes cast at said election shall be declared to be the candidate of his political party duly nominated for the general election.

"At the general elections to be held in Granville County in 1956 there shall be elected by the qualified voters of the entire county five county commissioners, one from each of the five districts designated in Section 1 of this Act. At said election the three candidates receiving the highest number of votes shall be declared elected and shall serve for terms of four years each. The two candidates receiving the next highest number of votes shall be declared elected and shall serve for terms of two years each. At the general elections thereafter, as the terms of office of the commissioners expire their successors shall be nominated and elected according to the

provisions of this Section for terms of four years each and shall serve until their successors are elected and qualified."

Sec. 2. The Board of County Commissioners of Granville County is authorized to designate one of their members or some other official or employee of the county as clerk to the board. The person so designated shall perform the duties prescribed by law for clerks to boards of county commissioners.

Sec. 3. All regular and special meetings of the Board of County Commissioners of Granville County shall be open to the public.

Sec. 4. The Board of County Commissioners of Granville County is hereby authorized and empowered, but not commanded, in its discretion, to waive immunity of said county as a governmental body, on account of any negligence or tort committed by one of its officers, agents or servants while working for said county, or on account of an accident happening to county property or to a county employee, and causing damage to a third party or third parties; but only to the extent that Granville County is indemnified by insurance from such negligence, tort or accident.

The Board of County Commissioners of Granville County, in its discretion, is hereby authorized and empowered to purchase insurance indemnifying Granville County from any loss arising from the negligence and torts of its officers, agents and servants or any of them accidental injury and its waiver of immunity as authorized in the first paragraph of this Section.

The Board of County Commissioners of Granville County is hereby authorized and empowered, in its discretion, to provide insurance indemnifying any of the officers or department heads of Granville County from loss on account of negligence, dishonesty, or other tort or failure of faithful performance of duty on the part of any of their agents or servants working under them for Granville County, or any agent or servant of Granville County working under them.

The past acts of the County Commissioners of Granville County in providing indemnifying insurance for the benefit of the general public, and of its officers, agents and department heads are hereby in all respects approved and ratified.

Sec. 5. G. S. 67-13, as it appears in the 1953 Supplement to the General Statutes is amended by adding a new paragraph at the end thereof to read as follows:

"The first priviso of this Section shall apply to Granville County only in those cases where complaint is made to the board of county commissioners of injury to or destruction of livestock. In all cases where the owner of such dog or dogs is known or can be ascertained he shall reimburse the county to the amount paid out for such injury or destruction".

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 281 **CHAPTER 159**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY TO MAKE SUITABLE PROVISION FOR THE WELFARE AND REHABILITATION OF PRISONERS AND RELEASED PRISONERS IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Guilford County is hereby authorized in its discretion to make suitable provision for the humane treatment and the rehabilitation of prisoners committeed to the jail of Guilford County and to the custody of the officers of other county institutions and of released prisoners who are now residents of Guilford County or who at the time of their conviction were residents of Guilford County, or were temporarily therein.

Sec. 2. That for the purpose of carrying out the provisions of this Act the said Board is authorized to employ a suitable person and make it his or her duty to confer with the jailer and the officers of other county institutions having the custody of prisoners and the prisoners themselves to ascertain whether the prisoners are humanely cared for; give advice and counsel to the prisoners; to make recommendations for the improvement of the conditions of prisoners to the jailer and other officials in charge of prisoners; to report to the Board of County Commissioners from time to time as required; and to make recommendations to said Board for the purpose of bettering the conditions of prisoners and released prisoners.

Sec. 3. It shall also be the duty of the person employed under the provisions of this Act to consult with and help in every possible way persons released from prisons and residing in Guilford County, whether said released prisoners are permanent residents or only temporarily residing in Guilford County.

Sec. 4. The duties of the person employed to assist prisoners and released prisoners and the expenses he or she may incur in the performance of his duties shall be specifically set forth in rules and regulations to be prepared and promulgated by the Board of County Commissioners of Guilford County.

Sec. 5. That the performance of the things authorized by this Act shall be deemed and is a necessary purpose, and the Board of County Commissioners of said County is authorized to levy an ad valorem tax in its support and to make the necessary appropriation, including the salary of any employee required.

Sec. 6. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 293 CHAPTER 160

AN ACT TO AMEND CHAPTER 115 OF THE PRIVATE LAWS OF 1899 RELATING TO THE POWERS OF THE BOARD OF ALDERMEN, NOW THE CITY COUNCIL, OF THE CITY OF GREENVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Chapter 115, Private Laws of 1899, entitled, "An Act to amend and consolidate the Charter of the Town of Greenville, North Carolina", as amended, is hereby further amended by rewriting Section 19 thereof as rewritten by Section 1, Chapter 448, Session Laws of 1949, and amended by Section 1, Chapter 51, Session Laws of 1951, to read as follows:

"19. To appropriate annually from the revenues received from the profits of the Municipal Power Plant or from revenues of any kind received from a source or sources other than taxation such an amount as shall be determined and authorized by the city council each fiscal year to be used for defraying the costs and expenses of a supervised system of recreation and playground activities for the citizens of the City of Greenville, and particularly for the young folk of said city, so as to further promote the health, happiness, safety and welfare of its citizens, which said undertaking is hereby declared to be for a public purpose and for the public benefit. Any sum of money so appropriated may be expended by the city council directly, or through the facilities of such agency as the said council may designate and the same shall be used in such manner as will, in the opinion of the city council, best serve the purpose herein set forth."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 4th day of March, 1955.

H. B. 304 CHAPTER 161

AN ACT AMENDING G. S. 9-25 RELATING TO THE MANNER OF SELECTING THE GRAND JURY IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-25, as the same appears in the 1953 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding at the end thereof the following paragraph:

"At the first term of the Superior Court for the trial of criminal cases in Perquimans County after April 1, 1955, there shall be chosen a grand jury as now provided by law, and the first nine members of said jury

chosen at said term shall serve until the first term of the Superior Court of said county for the trial of criminal cases after April 1, 1956, and the second nine members of said jury so chosen shall serve until the first term of said Superior Court for the trial of criminal cases after October 1, 1955; and thereafter at the first criminal term of said court, after the first days of April and October of each year, there shall be chosen nine members of said grand jury to serve until the first criminal term after the first days of April and October, respectively, of each succeeding year."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 308 CHAPTER 162

AN ACT TO AMEND CHAPTER 634, PUBLIC-LOCAL LAWS OF 1915, AND AMENDMENTS THERETO RELATING TO THE SESSIONS OF THE RECORDER'S COURTS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 634, Public-Local Laws of 1915 is hereby rewritten to read as follows:

"Each court shall hold sessions at least one (1) day in each week and on such further day or days as may be necessary to discharge promptly the business of the court, such session or sessions to be held in the town in each district for which the district is named."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 317 CHAPTER 163

AN ACT TO INCREASE THE CORPORATE LIMITS OF THE TOWN OF ROBERSONVILLE IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Robersonville in Martin County, as described in Section 1 of Chapter 136 of the Private Laws of 1915 as amended by Chapter 802 of the Session Laws of 1953, are hereby extended so as to include within said corporate limits a tract of land described as follows:

BEGINNING at a concrete monument located on the southeast edge of Green Street extension, said monument being the northeast corner of the present boundaries of the Town of Robersonville, and running North 51

degrees 15 minutes East 675 feet to an iron stake; thence North 55 degrees West 540 feet to an iron stake; thence South 84 degrees 30 minutes West 1063 feet to an iron stake; thence South 59 degrees East, along the present boundary line of the Town of Robersonville, to the beginning.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 331 CHAPTER 164

AN ACT TO AMEND CHAPTER 138 OF THE 1951 SESSION LAWS RELATING TO THE AUTHORIZATION OF THE CHIEF OF POLICE AND ASSISTANT CHIEF OF POLICE OF THE TOWN OF APEX TO ACCEPT AFFIDAVITS AND BONDS.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 138 of the 1951 Session Laws is hereby amended by inserting the words "and the Assistant Chief of Police" immediately following the word "Police" and immediately preceding the word "of" in line 1 of said Section. Further amend Section 1 by striking out the words "Wake County" as they appear at the end of said Section and inserting in lieu thereof the words "North Carolina".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 333 CHAPTER 165

AN ACT TO AMEND CHAPTER 1093, SESSION LAWS 1949, AS AMENDED, RELATING TO THE CITY COURT OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. That Section 19 of Session Laws 1949, Chapter 1093, as amended, be further amended by adding thereto the following:

"Costs taxed in criminal cases against defendants who have been lodged in the Wake County jail pending trial shall include the same jail fees as are taxable by the Superior Court of Wake County in like cases."

Sec. 2. That all laws and clauses of laws in conflict with this Act are, to the extent of such conflict, repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 347 **CHAPTER 166**

AN ACT TO AMEND G. S. 9-4 RELATING TO LOCAL MODIFICATIONS AS TO DRAWING THE JURY PANEL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-4 is hereby amended by adding the following paragraph in its adphabetical order by counties in said Section.

"In Columbus County the Commissioners may, in their discretion, cause an additional twelve (12) scrolls to be drawn".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 348 **CHAPTER 167**

AN ACT TO PROVIDE FOR THE CONDITIONS AND TERMS OF OFFICIAL BONDS FOR CERTAIN OFFICIALS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The clerk, tax collector, county accountant, treasurer, sheriff, coroner, register of deeds, surveyor and every other officer of Columbus County who is required by law to give a bond for the faithful performance of the duties of his office, shall give a bond for the term of the office to which such officer is chosen. The amount of the bond of the following officers shall be as follows:

Tax Collector—The amount shall be fixed in the discretion of the board of county commissioners but shall not exceed forty thousand dollars ($40,000).

Sheriff—Only one bond shall be required and it shall be in the amount of five thousand dollars ($5,000).

County Accountant—The amount shall be fixed in the discretion of the board of county commissioners but shall not exceed ten thousand dollars ($10,000).

Clerk of the Superior Court—The amount shall be fixed at twenty-five thousand dollars ($25,000).

Register of Deeds—The amount shall be fixed in the discretion of the board of county commissioners but shall not exceed fifteen thousand dollars ($15,000).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

H. B. 355 **CHAPTER 168**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ROCKINGHAM COUNTY TO CONVEY CERTAIN PROPERTY TO THE CHEROKEE COUNCIL OF THE BOY SCOUTS OF AMERICA, INCORPORATED, OF REIDSVILLE, ROCKINGHAM COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Rockingham County is hereby authorized and empowered to execute and deliver a deed conveying to the Cherokee Council of the Boy Scouts of America, Incorporated, of Reidsville, North Carolina, all the right, title and interest of Rockingham County and/or the Board of County Commissioners of Rockingham County in and to certain estate, the description of which is as follows:

Beginning at an iron stake, Joe H. Moore's southwest corner with Cherokee Council in Rockingham County's line; running thence with Joe H. Moore's West line North 7¼ deg. East 851.5 feet more or less to a stone, corner with the A. P. Sands lands; thence with the line of the A. P. Sands lands North 83¼ deg. West 1251.3 feet to a chestnut oak and pointers, the northeast corner of the lands described in deed from Rufus Thomas to County Board of Education dated May 3, 1922, and recorded in Book 217, page 394, in the office of Register of Deeds for Rockingham County; thence a new line South 6 deg. 20 min. West 1460 feet, more or less, to a stake and pointers on the West side of a hill 66 feet northwest of the West end of the old dam, the northwest corner of the lands conveyed by Rockingham County to the Cherokee Council of Boy Scouts of America by deed dated May 1, 1941, and recorded in Book 337, page 136, in the office of the Register of Deeds for Rockingham County; thence with the Cherokee Council's line North 74 deg. East 990 feet to an iron stake, Cherokee Council's corner; thence continuing with the Cherokee Council's line North 6¾ deg. East 198 feet to the point of beginning, containing 29.7 acres, more or less.

Sec. 2. That the said deed, or instrument of conveyance, executed by said Board of County Commissioners of Rockingham County and referred to in Section 1 of this Act shall contain conditions, limitations, clauses of reverter or other reversionary clauses to the effect that the Cherokee Council of the Boy Scouts of America, Incorporated, of Reidsville, North Carolina, shall own, control, have title to and use the property described in Section 1 of this Act until so long as said lands are used for scouting or boy scout purposes, and that said land shall immediately and automatically revert to Rockingham County or to the Board of County Commissioners of Rockingham County when or in the event that said land or property ceases to be used for scouting or boy scout purposes by the Cherokee Council of the Boy Scouts of America, Incorporated.

Sec. 3. That the said Board of County Commissioners of Rockingham County is hereby authorized to execute all necessary instruments of conveyance, deeds, or any and all other instruments necessary to carry out the purpose and intent of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

S. B. 160 CHAPTER 169

AN ACT TO AMEND ARTICLE 3-A OF CHAPTER 69 OF THE GENERAL STATUTES OF NORTH CAROLINA AS IT RELATES TO WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 69-25.1 is hereby amended by striking out the words and figures "ten cents (10c)" in the second and third lines from the end of said Section as the same appear in the 1953 Cumulative Supplement to the General Statutes and inserting in lieu thereof the words and figures "fifty cents (50c)".

Sec. 2. G. S. 69-25.1 of the General Statutes is hereby further amended by inserting between the words "area" and "lying" in line 2 thereof, as the same appear in the 1953 Cumulative Supplement to the General Statutes, the words "or areas, whether or not contiguous".

Sec. 3. G. S. 69-25.1 is hereby further amended by adding at the end of said Section the following:

"Or if a petition signed by a majority of the qualified voters in an area or areas, whether or not contiguous, of congested population in Wake County is submitted to the county commissioners asking that said commissioners establish a fire district, as herein defined, or that said area or areas be annexed to or included in an existing fire district established under the provisions of this Article and that a tax be levied in conformity with this Article as the same applies to Wake County, the Commissioners of Wake County are authorized and directed to establish said area or areas as a fire district and provide fire protection for said area or areas by any means permitted by this Article, or may annex or include said area or areas as a part of an existing fire district, and are authorized and directed to levy a tax as provided by this Article, as amended by this Act, to the same extent and with the same effect as though a petition had been filed by 15 per cent of the resident freeholders of said area or areas and an election had been held at which election a majority of the qualified voters in said area or areas had voted in favor of establishing a fire district and levying a tax to provide fire protection in said area or areas.

"The expense of providing fire protection in congested areas outside the corporate limits of a municipality in Wake County is declared to be a necessary expense and for a special purpose (for which the special approval of the General Assembly is hereby given) within the meaning of the Constitution of North Carolina, for which a tax may be levied without a vote of the qualified voters in such areas."

Sec. 4. G. S. 69-25.4 of the General Statutes is hereby amended by striking out the words and figures "ten cents (10c)" in line 4 thereof as the same appear in the 1953 Cumulative Supplement to the General Statutes, and inserting in lieu thereof the words and figures "fifty cents (50c)".

Sec. 5. G. S. 69-25.4 is hereby further amended by adding at the end thereof the following:

"If an election is held prior to July 1 of any year and a majority of the qualified voters voting at said election vote in favor of levying and collecting a tax in said district, or if a petition is filed by a majority of the qualified voters in the area or areas asking for the establishment of a fire protection district, as provided in G. S. 69-25.1, prior to July 1 of any year, the county commissioners shall levy and collect a tax on all real and personal property in said district for the fiscal year following said election or the filing of said petition."

Sec. 6. G. S. 69-25.10 of the General Statutes is hereby amended by adding new paragraphs at the end thereof as follows:

"Or if a petition signed by a majority of qualified voters of any special fire protection district created under the provisions of this Article is filed with the board of county commissioners asking that such fire protection district be abolished, the commissioners shall abolish such fire protection district and shall cease levying and collecting a tax in said district to provide fire protection therein.

"Property within a fire protection district established under the provisions of this Article which has sufficient private fire fighting equipment and facilities to enable the owner of such property to contract, and who does contract, with a municipality for additional fire protection, shall be excluded from such district by the board of county commissioners and relieved of the tax levied for fire protection in such district so long as such contract with a municipality remains in full force and effect.

"If all or any part of a fire protection district established pursuant to this Article shall be annexed to a municipality, the property annexed shall cease to be a part of such fire protection district from and after the date of annexation."

Sec. 7. This Act shall apply to Wake County only.

Sec. 8. All laws and clauses of laws in conflict with this Act are, to the extent of such conflict, repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

S. B. 166 **CHAPTER 170**

AN ACT TO VALIDATE STREET ASSESSMENTS HERETOFORE LEVIED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF JACKSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. That any and all acts heretofore done by the Board of Commisioners of the Town of Jacksonville in the improving of the streets of the Town of Jacksonville and the assesments levied therefor, are hereby in all respects approved, legalized and validated. Nothing contained in this Act shall affect pending litigation.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. B. 114 **CHAPTER 171**

AN ACT PROVIDING FOR NONPARTISAN PRIMARY ELECTIONS TO NOMINATE CANDIDATES FOR OFFICE IN THE TOWN OF MOORESVILLE, IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all candidates to be voted for at all general municipal elections in the Town of Mooresvile, Iredell County, under the provisions of Chapter 451, Session Laws of 1949 or any other applicable law shall be nominated in a nonpartisan primary election and no names shall be placed upon the general election ballot except the names of those persons nominated in such primary in the manner prescribed in this Act.

Sec. 2. The primary election for such nominations shall be held on the Tuesday next preceding the general municipal election. The registrars, judges and other election officials appointed for the general election shall serve as the officials for the primary election and said primary election shall be held at the same polling places and in the same manner and under the same rules and regulations, subject to the same conditions, and the polls shall be opened and closed at the same hours as are required for the general election.

Sec. 3. Any person desiring to become a candidate for nomination in the primary for the office of mayor or commissioner or any other elective office shall, at least ten days prior to the primary election, file with the town clerk a notice of his candidacy in substantially the following form:

"STATE OF NORTH CAROLINA
COUNTY OF IREDELL

"I, ..., hereby give notice that I reside at ..... Street, Town of Mooresville, County of Iredell, State of North Carolina; that I am a candidate for nomination to the office of (mayor, or commissioner for ward one, two or three, as the case

may be) to be voted upon at the primary election to be held on the first Tuesday after the fourth Monday of April, 19...., and I hereby request that my name be printed upon the official ballot for nomination by such primary election for such office.

(Signed).....”

And each candidate shall at the time of filing his notice of candidacy pay to the clerk a filing fee of one dollar ($1.00), to be paid over by the clerk to the town treasurer. Any person desiring to file as a candidate must do so in person.

Sec 4. Immediately upon the expiration of the time for filing the notices of candidates, the town clerk shall cause to be published in a newspaper circulated in the Town of Mooresville once, in proper form, the names of all the candidates as they are to appear upon the primary ballot.

Sec. 5. The clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the ballot the names of the candidates for mayor, arranged alphabetically, shall be placed with a square at the left of each name and immediately below the words “vote for one”. Following the names likewise arranged in alphabetical order shall appear the names of the candidates for commissioners, respectively, with a square at the left of each name; and below the names of such candidates shall appear the words “vote for one”. The ballots shall be printed upon plain, substantial white paper, and shall be headed: “Candidates for nomination for mayor and commissioners, of the Town of Mooresville, North Carolina, at the primary election.”

Sec. 6. The ballots shall be in substantially the following form:

(Place a cross in the square preceding the names of persons you favor as candidates for the respective positions).

Official primary ballot. Candidates for nomination for mayor and commissioners and other offices (naming them) of the Town of Mooresville, North Carolina, at the primary election.

☐ For Mayor (naming candidates). (Vote for one)

☐ For Commissioner of Ward No. 1 (names of candidates). (Vote for one)

☐ For Commissioner of Ward No. 2 (names of candidates). (Vote for one)

☐ For Commissioner of Ward No. 3 (names of candidates). (Vote for one)

Official ballot. Attest:

(Signature).....City Clerk

There must be a separate ballot for each ward.

Sec. 7. Having caused the ballots to be printed, the town clerk shall cause to be delivered to the election officials at each polling place a number of ballots equal to twice the number of votes cast in such polling place at the last general municipal election for mayor.

Sec. 8. All persons who are qualified to vote at the succeeding municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the town on the last day for registration, and such challenge shall be passed upon by the registrar

and judges of election: Provided, however, that the laws applicable to challenges made at a general municipal election shall be applicable to challenges made at such primary election.

Sec. 9. Immediately upon the closing of the polls the election officials shall count the ballots and ascertain the number of votes cast in each precinct for each of the candidates, and make return thereof to the town clerk upon blanks to be furnished by the clerk, within six hours of the closing of the polls.

Sec. 10. On the day following the primary election the town clerk, under the supervision and direction of the mayor, shall canvass such returns so received from all the polling precincts, and shall make and publish in some newspaper of general circulation in the town, at least once, the results thereof. The canvass by the town clerk shall be publicly made.

Sec. 11. The two candidates receiving the highest number of votes for mayor and the two candidates receiving the highest number of votes for commissioner in each of the wards of the said town, shall be the candidates, and the only candidates whose names shall be placed upon the ballot for mayor and commissioners in the next succeeding general municipal election.

Sec. 12. That in the event only two candidates file for mayor, then those two candidates shall have their names placed upon the ballot for mayor in the general election, and no primary election shall be necessary or held to nominate candidates for mayor; and in the event not more than two candidates file for commissioner in any ward in said town, then the two names so filed shall be placed upon the ballot in the general election for commissioner in that ward, and in that event no primary election shall be held for the purpose of nominating candidates in such ward where only two candidates have filed for nomination.

Sec. 13. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. B. 136 CHAPTER 172

AN ACT TO AMEND G. S. 160-175 RELATING TO PUBLICATION OF NOTICE OF PROPOSED CHANGE OF ZONE.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 160-175 be and the same is hereby amended by striking out the last sentence of said Section and rewriting the same to hereafter read as follows, to wit:

"A notice of such public hearing shall be given by publication of same in a newspaper published in such municipality, or, if there be no newspaper published in the municipality, by posting such notice at four public places in the municipality, the publication in the newspaper to be in at

least two separate issues, the first publication or posting of said notice to be not less than ten days prior to the date fixed for said hearing."

Sec. 1½. This Act shall apply to the following counties only: Durham.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. B. 184 CHAPTER 173

AN ACT TO AMEND G. S. 20-157 TO PREVENT VEHICLES OTHER THAN THOSE OPERATED ON OFFICIAL BUSINESS FROM INTERFERING WITH THE ACTIVITIES OF RURAL FIRE FIGHTING APPARATUS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-157, Volume 1C of the General Statutes, is hereby amended by adding to said Section a new subsection to be designated as subsection "(c)", and which shall read as follows:

"(c) Outside of the corporate limits of any city or town it shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus travelling in response to a fire alarm closer than four hundred (400) feet or to drive into or park such vehicle within a space of four hundred (400) feet from where fire apparatus has stopped in answer to a fire alarm."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. B. 241 CHAPTER 174

AN ACT TO AMEND CHAPTER 1071, 1953 SESSION LAWS AUTHORIZING AND EMPOWERING THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY TO ADOPT REGULATIONS FOR MAINTAINING AND PROMOTING GOOD GOVERNMENT FOR THE PEOPLE OF RURAL FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 5 of Section 1 of Chapter 1071, 1953 Session Laws is hereby amended by inserting the word "improvements", immediately before the word "buildings" in line one of said subsection. Further amend said subsection by striking out the period which appears at the end of the subsection immediately after the word "construction" and inserting the following:

"and to require the county electrical inspector to notify the tax supervisor of any new construction which he has inspected and approved."

Sec. 2. The provisions of this Act shall apply only to Forsyth County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. B. 247 CHAPTER 175

AN ACT TO AMEND CHAPTER 228 OF THE PRIVATE LAWS OF 1927 RELATING TO THE CHARTER OF THE TOWN OF KERNERSVILLE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 228 of the Private Laws of 1927 is hereby amended by adding a new Section thereto to be designated as Section 12.1 and to read as follows:

"All claims or demands against the Town of Kernersville arising in tort shall be presented to the Board of Aldermen in writing, signed by the claimant, his attorney or agent, within 90 days after said claim or demand is due or the cause of action accrues. No suit or action shall be brought on such a claim within 10 days or after the expiration of 12 months from the time said claim or demand is so presented, and unless the claim is so presented within 90 days after the cause of action or demand accrued, and unless suit is brought within 12 months thereafter, any action thereon shall be barred."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. B. 280 CHAPTER 176

AN ACT AMENDING CHAPTER 95 SESSION LAWS OF 1951, AUTHORIZING THE COUNTY COMMISSIONERS OF GUILFORD COUNTY TO ASSIST IN FURNISHING FIRE PROTECTION TO COMMUNITIES OUTSIDE OF CITIES AND TOWNS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 4 of Chapter 95 of the 1951 Session Laws of North Carolina be amended by striking out the first clause in said Section and substituting therefor the following:

"The board of county commissioners in carrying out the provisions of this Act shall not appropriate from ad valorem taxes and expend an

amount which added to the sums due to Guilford County upon outstanding loans for rural fire protection shall exceed forty thousand dollars ($40,000.00)".

Sec. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. B. 332 CHAPTER 177

AN ACT TO AMEND SECTION 499 OF CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA AS IT RELATES TO MUNICIPALITIES WITHIN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 449 of Chapter 160 of the General Statutes of North Carolina be amended by adding at the end thereof the following:

"And the taxable property in the territory annexed shall be listed and taxes thereon collected as is provided by law in case of discovered property, but in such cases the penalty provisions applicable to discovered property shall not apply."

Sec. 2. This Act shall apply to Wake County only.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

S. B. 61 CHAPTER 178

AN ACT TO AUTHORIZE INSURANCE COMPANIES TO INVEST IN OBLIGATIONS ISSUED, ASSUMED OR GUARANTEED BY THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 58-79, subsection I(e), by changing the period in line 6 after the word "America" to a comma and adding "or obligations issued, assumed or guaranteed by the International Bank for Reconstruction and Development."

Sec. 2. Amend G. S. 58-79.1 by adding at the end of subsection I a new paragraph which shall be designated as paragraph (f) and which shall read as follows:

"(f) Obligations issued, assumed or guaranteed by the International Bank for Reconstruction and Development."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

S. B. 123 CHAPTER 179

AN ACT TO AMEND CHAPTER 58, ARTICLE 5, ARTICLE 12, ARTICLE 15, AND ARTICLE 16 AND CHAPTER 105, ARTICLE 8 B OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE EFFECTIVE DATE OF INSURANCE COMPANY LICENSES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-66 is amended by rewriting the Section to read as follows:

"G. S. 58-66. Licenses run from July first; pro rata payment. The license required of insurance companies shall continue for the next ensuing twelve (12) months after July first of each year, unless revoked as provided in this Chapter; but the Commissioner of Insurance may, when the annual license tax exceeds twenty-five dollars ($25.00), receive from applicants after July first so much of the license fee required by law as may be due pro rata for the remainder of the year, beginning with the first day of the current month. Application for renewal of company license must be submitted on or before the first day of March on a form to be supplied by the Commissioner of Insurance. Upon satisfying himself that the company has met all requirements of law and appears to be financially solvent he shall forward renewal license to the company. Any company which does not qualify for renewal license before July first shall cease to do business in the State of North Carolina as of July first, unless license is sooner revoked by the Commissioner.

"Before issuing any license for the year beginning July 1, 1955, the Commissioner shall collect, in addition to the annual license fee, a pro rata fee for the three (3) months of April, May and June, 1955, collection of which fee shall extend licenses expiring April 1, 1955, until July 1, 1955, if accepted by the Commissioner of Insurance.

"Nothing contained in this Section shall be interpreted as applying to licenses issued to individual representatives of insurance companies, as listed in Section 105-228.7, which licenses shall run from April first of each year."

Sec. 2. G. S. 58-121 is amended by striking out the word "April" in the 19th line of the Section where it appears immediately after the words "file on or before the first day of" and immediately before the words "of each year" and by substituting therefor the word "July".

Sec. 3. G. S. 58-136 is amended by striking out the word "April" as it appears in the 8th line of the Section immediately following the words "until the first day of the following" and immediately preceding the words "and may have its license renewed for each year thereafter" and substituting therefor the word "July".

Sec. 4. G. S. 58-142 is amended by striking out the word "April" as it appears in the last line of the Section immediately following the words "which shall expire on the first day of" and immediately preceding the words "next succeeding" and substituting therefor the word "July".

Sec. 5. (a) G. S. 105-228.4 is amended by striking out the words "between March 16 and the first day of April in 1945 and on or before April 1 of each year thereafter" as they appear in the second and third lines of the Section and substituting therefor "on or before the first day of March of each year".

(b) G. S. 105-228.4 is amended by inserting the words "effective the first day of July" immediately following the words "certificate of registration or license" and immediately before the words "and shall pay for such certificate" as they appear in the fourth and fifth lines of the Section.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

S. B. 162 CHAPTER 180

AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO CREATE AND MAINTAIN A CAPITAL RESERVE FUND.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other funds now authorized by law, the City of Raleigh is hereby authorized and empowered to establish and maintain a capital reserve fund in the manner hereinafter provided.

Sec. 2. When the governing body of the City of Raleigh elects to establish a capital reserve fund, it shall pass an ordinance creating the fund. In such ordinance, the governing body may provide specifically that all or a part of the fund shall be used for any one or more of the purposes enumerated in the following Section, or it may provide that all or a part of the fund shall be used for any of such purposes as may later be deemed necessary by the governing body. Thereafter the governing body may from year to year make appropriations in the general fund of such municipality for deposit to such capital reserve fund. In the ordinance creating the fund, the governing body shall designate some bank, banks or trust company as depository in which the appropriations to the capital reserve fund shall be deposited and earmarked for the use of such capital reserve fund. All such deposits shall be secured as provided by G. S. 159-28. Pending their use for the purposes hereinafter provided, all or any portion of such moneys may be invested in either bonds, notes or certificates of indebtedness of the United States of America; or in bonds or notes of any agency or instrumentality of the United States of America, the payment of principal and interest of which is guaranteed by the United States of America; or in bonds or notes of the State of North Carolina; or in bonds of any county, city or town of North Carolina which are approved by the

Local Government Commission for the purpose of such investment; or in shares of any building and loan association organized and licensed under the laws of the State, or in shares of any Federal savings and loan association organized under the laws of the United States with its principal office in this State, to the extent that such investment is insured by Federal deposit insurance. The proceeds of the sale or realization of such investments and any interest resulting from such investments shall be deposited to the credit of the capital reserve fund.

Sec. 3. Withdrawals of all or any part of a fund may be made from such capital reserve fund at any time, or from time to time, and applied to or expended for all or any portion of the cost of the following, all of which are hereby declared to be necessary expenses within the meaning of Section 7, Article 7 of the Constitution of North Carolina; and such cost shall be deemed to include land, easements, rights in land, water rights, contract rights, franchises, and equipment used or useful in connection with any of the following:

(a) Systems, plants, works, instrumentalities, and properties used or useful in connection with the obtaining of a water supply and the collection, treatment, and disposal of water for public and private uses.

(b) Systems, plants, works, instrumentalities, and properties used or useful in connection with the collection, treatment, and disposal of sewage, waste and storm water.

(c) Systems, plants, works, instrumentalities, and properties used or useful in connection with the generation, production, transmission, and distribution of gas (natural, artificial or mixed) or electric energy for lighting, heating, and power for public and private uses.

(d) Plants and equipment used or useful in connection with the collection or disposal of ashes, garbage, or refuse other than sewage.

(e) Constructing or reconstructing roads, streets, highways, bridges or culverts, whether including or not including contemporaneous constructing or reconstructing of sidewalks, curbs, gutters or drains and whether including or not including grading.

(f) Fire engines, fire trucks and fire or police alarm systems.

(g) Buildings and equipment for buildings used in housing departments of the municipality.

(h) Cemeteries.

Sec. 4. Before any withdrawal is made, the governing body shall by resolution authorize such withdrawal. It shall specify the amount of such withdrawal and the purpose or purposes for which such amount shall be spent. Any such withdrawal may be made for any of the purposes specified in the foregoing Section: Provided, that if the ordinance creating the fund provides specifically for the use of the fund for one or more purposes, no withdrawal shall be made for any other purpose except in accordance with the provisions of Section 6. Any resolution authorizing withdrawal shall be adopted at a regular or special meeting of the governing body and shall then be published at least once in each of two successive weeks in some newspaper published in the municipality, and such resolution shall not become effective until thirty days

after the date of first publication. No right of action or defense founded upon the invalidity of such resolution shall be asserted, nor shall the validity of the resolution be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the date of first publication.

Sec. 5. In the event that an emergency arises which in the opinion of the governing body involves the health, safety, or welfare of the inhabitants of the municipality, necessitating the immediate expenditure of all or any portion of such capital reserve for one or more of the purposes for which the fund was created, a withdrawal may be made from the fund by resolution of the governing body without publication as provided for in the preceding Section. Such resolution shall declare that an emergency exists and set forth such facts as are necessary to show that such emergency does exist.

Sec. 6. In the event that the ordinance creating the capital reserve fund provides that it shall be used for one or more enumerated purposes, and changed conditions make it necessary to use all or any part of such fund for some other purpose authorized by Section 3, the governing body may by resolution authorize a withdrawal for such other purpose. Such resolution shall declare that changed conditions make it necessary to use all or any part of such fund for such other purpose and set forth such facts as are necessary to show that such changed conditions do exist. The resolution shall be adopted and published in accordance with the provisions of Section 4. No right of action or defense founded upon the invalidity of such resolution shall be asserted, nor shall the validity of the resolution be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the date of first publication.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

S. B. 181 CHAPTER 181

AN ACT AMENDING G. S. 1-173 RELATING TO THE TIME WHEN UNCONTESTED DIVORCE CASES MAY BE TRIED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-173, as the same appears in the 1953 Supplement to Volume 1A of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Provided further, that uncontested divorce cases in which no answer has been filed may be tried at any time after the time for filing answer has expired, regardless of when the term of court began."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

S. B. 183 CHAPTER 182

AN ACT TO AUTHORIZE THE GOVERNOR TO CONVEY CERTAIN DESCRIBED STATE LAND WHICH IS NOT NEEDED FOR GOVERNMENTAL PURPOSES.

WHEREAS, the State of North Carolina acquired approximately two acres of land in Brunswick County by deed from Hanson K. Ruark and wife Rebecca Ann Ruark, by deed dated November 30, 1868, which deed is recorded in Book T at page 484, office of the Register of Deeds of Brunswick County, North Carolina, and

WHEREAS, said land is not needed for governmental purposes, and

WHEREAS, there is no statutory authority for the State of North Carolina to convey said land since no State department, board, institution, or commission has such property in its charge so as to make the necessary application as is now provided in G. S. 143-146: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. After receiving the approval of the Council of State to the effect that the conveyance of the following described real property is for the best interest of the State, the Governor of North Carolina is authorized and empowered to convey said property and to execute a deed therefor in the manner provided in G. S. 143-148:

"BEGINNING at a stake on the Cape Fear River in the Smith line, runs with said Smith's line North 80 degrees West 143 yards to a stake on an old road, thence North 22 degrees East 76 poles to a stake, thence South 80 degrees East 143 yards to said river, thence down the river bank to the beginning, containing two acres, more or less."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. B. 180 CHAPTER 183

AN ACT REPEALING CHAPTER 1265, SESSION LAWS OF 1953 REGULATING THE NUMBER OF WILDFOWL HUNTING BLINDS IN PERQUIMANS RIVER.

The General Assembly of North Carolina do enact:

Section 1. That all of Chapter 1265, Session Laws of 1953 regulating the number of wildfowl hunting blinds in Perquimans River be and the same is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. B. 256 CHAPTER 184

AN ACT AMENDING G. S. 113-111 SO AS TO PROVIDE THAT THERE WILL BE NO CLOSED SEASON FOR FOX HUNTING IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 113-111, as the same appears in the 1953 Supplement to Volume 3A of the General Statutes, be and the same is hereby amended by inserting in line two thereof after the word "Beaufort" and before the word "Davidson" the word "Cabarrus".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. B. 266 CHAPTER 185

AN ACT TO PROHIBIT CATCHING FISH WITH NETS IN THE CANALS OF THE BOLTON DRAINAGE DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to take or attempt to take with nets fish in or from the Main Canal, the Strauss Canal and lateral canals C, D, E, F, G, H, I and in or from all other canals in the drainage district commonly known as the Bolton Drainage District and which is more specifically described by metes and bounds in Drainage Book No. 1, Page 18, in the office of the Clerk of Superior Court of Columbus County.

Sec. 2. Any person violating this Act shall be guilty of a misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. B. 462 CHAPTER 186

AN ACT TO AUTHORIZE THE CITY OF ALBEMARLE TO MAKE AND ENTER INTO A CONTRACT OR CONTRACTS FOR WATER AND SEWAGE SERVICE.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of promoting industrial development in and around the City of Albemarle, North Carolina, the board of commissioners of said city is hereby authorized and empowered to make and enter into a contract or contracts for the sale of water and sewage services (including the use of sewerage disposal facilities) and make therefor such reasonable charges as shall be fixed by the city board of commissioners for such services, to be rendered within or outside of the said municipality, the said contract or contracts to run for such length of time as shall be fixed by the said board of commissioners, when it is found by the said board of commissioners that the entering into of such contract or contracts will promote the industrial development of the said city and the immediate surounding territories.

The City of Albemarle and the members of the board of commissioners shall in no case be liable for damages for failure to furnish a sufficient supply of water and sewerage service or for any other cause in connection with the furnishing of such services.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. B. 465 CHAPTER 187

AN ACT TO AMEND G. S. 143-135, RELATING TO THE CONSTRUCTION OF A PUBLIC SCHOOL AUDITORIUM IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-135 is amended by adding a new paragraph at the end thereof to read as follows:

"In Pender County, the board of education of said county is authorized to construct a public school auditorium for colored school children in the Burgaw School District, through its duly authorized officers and agents, without the necessity of complying with the provisions of this Article. The cost of the construction of this auditorium shall in no event exceed the sum of fifty thousand dollars ($50,000.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. B. 192 CHAPTER 188

AN ACT TO REPEAL ARTICLE 42 OF CHAPTER 106 OF THE GENERAL STATUTES, AUTHORIZING CREATION OF THE NORTH CAROLINA TOBACCO COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Article 42 of Chapter 106 of the General Statutes, being Sections 106-471 to 106-489 inclusive, is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be of full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 10th day of March, 1955.

H. B. 193 CHAPTER 189

AN ACT TO REMOVE REFERENCES TO THE CROP PEST COMMISSION FROM THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. Section 106-419 of the General Statutes is hereby repealed.

Sec. 2. Section 106-420 of the General Statutes is hereby amended by striking the words "of Commission" from the caption thereof, so that the caption shall read "§ 106-420. Powers and Duties; establishing regulations."

Sec. 3. Section 106-423 of the General Statutes is hereby amended to read as follows:

"§ 106-423. Preventing inspection or hindering execution of Article a misdemeanor.—If any one shall seek to prevent inspection of his premises as provided in § 106-422, or shall otherwise interfere with any agent of the Board of Agriculture while in performance of his duties under § 106-422, he shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than five nor more than fifty dollars for each offense, or may be imprisoned for not less than ten nor more than thirty days."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be of full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 10th day of March, 1955.

H. B. 194 **CHAPTER 190**

AN ACT TO REPEAL ARTICLE 1 OF CHAPTER 137 OF THE GENERAL STATUTES, CREATING THE STATE BOARD OF RURAL REHABILITATION.

The General Assembly of North Carolina do enact:

Section 1. Article 1 of Chapter 137 of the General Statutes, entitled "State Rural Rehabilitation Law," being Sections 137-1 to 137-30, inclusive, is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be of full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 10th day of March, 1955.

H. B. 370 **CHAPTER 191**

AN ACT AMENDING G. S. 153-9(40) SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WAYNE COUNTY TO MAKE APPROPRIATIONS TO WAYNE COUNTY INDUSTRIAL AND DEVELOPMENT COMMISSION TO ASSIST IN THE PROMOTION OF THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-9(40), as the same appears in Volume 3C of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Beginning with the month of April, 1955, and ending with the month of June, 1957, the Board of Commissioners of Wayne County is authorized and empowered in its discretion to appropriate from the general fund of the county not in excess of one hundred dollars ($100.00) per month to the Wayne County Industrial and Development Commission to assist in the promotion and development of the agricultural and industrial development of Wayne County."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1955.

H. B. 387 **CHAPTER 192**

AN ACT TO AMEND CHAPTER 1106 OF THE SESSION LAWS OF 1949 RELATING TO THE EXEMPTION FROM TAXATION OF CERTAIN PERSONAL PROPERTY STORED IN WAYNE COUNTY FOR SHIPMENT OUT OF WAYNE COUNTY SO AS TO MAKE SAID ACT APPLICABLE TO WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section one of Chapter 1106 of the Session Laws of 1949 is hereby amended by inserting immediately following the word "County" in line three thereof, the words "or Wake County"; and by inserting immediately following the word "County" in line four thereof, the words "or Wake County".

Sec. 2. This Act shall apply only to Wake County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1955.

H. B. 400 **CHAPTER 193**

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF WASHINGTON COUNTY TO SELL AND CONVEY ALL OR ANY PART OF THE TRACT OF LAND FORMERLY USED BY SAID COUNTY IN CONNECTION WITH THE OPERATION AND MAINTENACE OF THE COUNTY HOME FARM.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Washington County is hereby authorized and empowered to sell at public auction the entire tract or any part of the land owned by said county and formerly used by said county in connection with the operation and maintenance of the County Home Farm when said Board shall find as a fact that said property is no longer needed for public purposes. Notice of sale shall be published once a week for four successive weeks in a newspaper of general circulation in the county and a copy of said notice shall be posted at the courthouse door for thirty days immediately preceding such sale. After any such public sale, the Board of County Commissioners is authorized to reject any bid, which, in the opinion of the Board, does not represent the fair market value of said lands. If after public auction, the Board of County Commissioners rejects the highest bid so made, further public auctions may be held or said lands may be sold at private sale at a higher price than that offered as the highest bid at the public auction.

Sec. 2. In carrying out the provisions of this Act, the Board of Commissioners of Washington County is authorized to execute all necessary deed or deeds conveying to the purchaser or purchasers title to the lands described in this Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1955.

S. B. 130 CHAPTER 194

AN ACT TO AMEND G. S. 15-107 RELATING TO THE TAKING OF BAIL BY SHERIFFS AND DEPUTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-107 is hereby amended by inserting the word "Halifax" immediately after the word "Greene" and immediately before the word "Hertford" in line 16 of said Section.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

S. B. 172 CHAPTER 195

AN ACT TO AMEND CHAPTER 40 OF THE SESSION LAWS OF 1947 RELATIVE TO THE FEES TO BE PAID FOR RECORDING CERTAIN INSTRUMENTS IN THE OFFICE OF THE REGISTER OF DEEDS FOR MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 40 of the Session Laws of 1947 is rewritten to read as follows:

"Section 1. That the fees to be paid for the recordation of the instruments mentioned below in the office of the Register of Deeds for Mecklenburg County shall be as follows:

"For standard form deeds, one dollar and seventy-five cents ($1.75) each and in addition thereto, fifty cents (50c) for restrictive covenants attached to or set forth in such standard form deeds and seventy-five cents (75c) for each release from deed of trust or other security instrument attached to said deeds or deeds of trust; for standard form deeds of trust, two dollars ($2.00) each; for standard form Building and Loan or Savings and Loan deeds of trust, two dollars ($2.00) each; for FHA and VA deeds of trust, three dollars and twenty-five cents ($3.25) each; for Duke Power Company, Southern Bell Telephone and Telegraph Company and other standard easements or right-of-way agreements, a minimum of one dollar and fifty cents ($1.50) each; for standard form chattel mortgages, conditional sale contracts and title notes, a minimum of one dollar ($1.00) each; for all irregular instruments covering either real property or chattels, one dollar ($1.00) for the first page and seventy-five

cents (75c) for each additional photostat page; for the certification of all instruments and maps, fifty cents (50c) each."

Sec. 2. Except as hereinabove provided all other fees to be paid to the Register of Deeds for Mecklenburg County shall remain as now provided by law.

Sec. 3. All laws and clauses of laws in conflict with this Act are to the extent of such conflict hereby repealed.

Sec. 4. This Act shall apply to Mecklenburg County only and shall become effective on the first day of the calendar month following the date of its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

S. B. 173 CHAPTER 196

AN ACT AMENDING CHAPTER 807 OF THE SESSION LAWS OF 1947 FIXING CERTAIN FEES AND COSTS TO BE PAID TO THE SHERIFF OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There shall be paid to the Sheriff of Mecklenburg County the following fees and costs for the services enumerated to-wit: serving warrants, three dollars ($3.00) per name, serving capias, three dollars ($3.00) per name; serving claim and delivery, five dollars ($5.00) and two dollars ($2.00) for each additional defendant; serving sci fa, one dollar ($1.00) per name; serving summons, two dollars and fifty cents ($2.50) per name; serving order, two dollars and fifty cents ($2.50) per name; serving notice, two dollars and fifty cents ($2.50) per name; serving subpoenas, one dollar ($1.00) for each person served; serving warrant of attachment levying, five dollars ($5.00); execution for eviction, two dollars ($2.00); garnishment, one dollar ($1.00) per name; ejectment, three dollars ($3.00); collection of execution, five per cent (5%) of amount collected; order or writ not otherwise covered or provided for, two dollars ($2.00); summoning appraisers in homestead and personal property exemption, six dollars ($6.00).

Sec. 2. Except as hereinbefore provided, the fees and costs payable to the Sheriff of Mecklenburg County shall remain as now provided by law.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 4. This Act shall apply to Mecklenburg County only and shall be and become effective on the first day of the calendar month subsequent to the ratification of this Act.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

S. B. 189 **CHAPTER 197**

AN ACT TO AMEND CHAPTER 186 OF THE SESSION LAWS OF 1947 RELATING TO THE METHOD OF ELECTION OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS OF THE CITY OF ROANOKE RAPIDS.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 186 of the Session Laws of 1947 is hereby rewritten to read as follows:

"Section 1. That Chapter 53 of the Private Laws of 1931 be, and the same hereby is, amended by striking out all of Section 7 and rewriting same to read as follows:

'Sec. 7. That at the general municipal election to be held on the first Tuesday after the first Monday in May, 1955, and every two years thereafter, there shall be elected by the registered voters of the City of Roanoke Rapids a mayor and eight commissioners, three of whom shall reside in and be voted upon and elected exclusively by the qualified voters of the North Ward of said city, three of whom shall reside in and be voted upon and elected exclusively by the qualified voters of the South Ward of said city, and two of whom shall reside in and be voted upon and elected exclusively by the qualified voters of the New Ward of said city, as said wards are defined in Chapter 67 of the Public-Local Laws of 1937 as amended by the 1955 General Assembly. The mayor shall be elected for a term of two years and shall be elected from the city at large. No persons shall be entitled to vote at such elections unless, in addition to his qualifications as a voter in State and county elections under the general law, he has resided within the corporate limits of the City of Roanoke Rapids thirty days immediately preceding said election: Provided, however, all qualified electors, who shall have resided for thirty days immediately preceding the election in the territory annexed pursuant to the provisions of Chapter 977 of the Session Laws of 1953, shall have the right to vote at such election, and moving from one ward to another shall not affect a qualified elector's right to vote. The officers so elected shall qualify and be inducted into office on the first Monday in June following their election, and shall continue in office for their respective terms as hereinbefore provided and until their successors have been duly elected and qualified. The terms of office of all commissioners heretofore elected for the City of Roanoke Rapids shall expire upon the election and qualification of the eight commissioners elected in accordance with the provisions of this Act.' "

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March. 1955.

H. B. 7 **CHAPTER 198**

AN ACT TO RESTORE THE USE OF SHORT TERM NONRESIDENT FISHING LICENSES.

The General Assembly of North Carolina do enact:

Section 1. Section 113-145 of the General Statutes of North Carolina is hereby amended by inserting immediately after the words "public fishing:" in line 13 thereof, as the same appears in the 1953 Supplement to Volume 3A, the following:

"Provided further, that any nonresident desiring to fish for one day or more shall be entitled to a nonresident daily fishing license upon payment of the sum of one dollar ($1.00) for the use of the Wildlife Resources Commission and ten cents (10c) for the use of the selling agent for each day; and that any nonresident desiring to fish for five days or less shall be entitled to a five-day fishing license upon payment of the sum of two dollars and fifty cents ($2.50) for the use of the Wildlife Resources Commission and ten cents (10c) for the use of the selling agent, and each such daily or five-day nonresident fishing license shall authorize the holder thereof to fish, during the period for which such license is issued, in any of the waters of North Carolina:".

Sec. 2. Section 113-143.1 of the General Statutes of North Carolina is hereby amended by rewriting the second and third sentences thereof so as to read as follows:

"A resident of this State may obtain a resident special mountain trout fishing license upon payment of one dollar ($1.00) for the use of the Wildlife Resources Commission, and ten cents (10c) for the use of the issuing agent; and a nonresident may obtain a nonresident special mountain trout fishing license upon payment of two dollars ($2.00) for the use of the Wildlife Resources Commission, and ten cents (10c) for the use of the issuing agent. Such license must be kept about the person of the licensee at all times while fishing in waters so designated. All monies received from the sale of special mountain trout fishing licenses, except the issuance fees, shall be deposited in the name of the State Treasurer, and shall be used by the Wildlife Resources Commission for propagation, protection, and management of such trout, and for no other purpose."

Sec. 3. The provisions of the preceding Section requiring special mountain trout licenses for fishing in designated Public Mountain Trout Waters shall not apply to trout fishing within the Great Smoky Mountains National Park.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 5. This Act shall become effective on the 20th day next succeeding the date of its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. B. 43 **CHAPTER 199**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BROOKFORD, IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter three hundred and fifty of the Public-Local Laws of one thousand nine hundred and thirty-seven is hereby repealed.

Sec. 2. Chapter two hundred and thirty of the Private Laws of one thousand nine hundred and seven is amended by striking out all of Section two and inserting in lieu thereof the following:

"Sec. 2. That the corporate limits of said town shall be as follows: BEGINNING at the northeast corner of the Brookford School grounds and runs thence South 42 degrees 23 minutes East along the northeastern boundary of the Brookford School grounds for 633 feet to a stake in the northwestern margin of N. C. Highway No. 127, thence in the same direction straight across the aforesaid highway to an iron stake in the southeast margin of said highway and runs thence along the said southeast margin in a southern direction for approximately 1015 feet to a stake in the northeast corner of the Hillside Baptist Church property at the intersection of the northwest margin of Valley Road with the southeast margin of Highway No. 127, thence along the northwest margin of Valley Road South 33 degrees West for 502 feet crossing the intersection of the aforesaid road with Clay Avenue to a stake in the western margin of Valley Road, thence along the said margin of the said road South 26 degrees 20 minutes East to its turn and crossing it at its said turn for a total distance of 180 feet to a stake in the western margin of Falling Creek Road 2 feet down said road in a southeastern direction from Earl Hollar's northeast corner in said road and; thence across Earl Hollar's land South 78 degrees 48 minutes East for 201 feet to a stake in the margin of an alley, said stake being South 29 degrees 24 minutes East and 2 feet distant southeast from Earl Hollar's northwest corner, and runs thence along Earl Hollar's western boundary South 29 degrees 24 minutes East for 238.1 feet to an iron stake, Earl Hollar's southwest corner and runs thence along the southern boundary of the land which formerly belonged to the A. D. Juilliard Company, South 70 degrees 33 minutes West for 313.13 feet to an iron stake in Oak Street, thence South 3 degrees 15 minutes West 638.72 feet to an iron stake; thence South 83 degrees 45 minutes East 720 feet to an iron stake in the center of Falling Creek, thence down Falling Creek as it meanders approximately as follows: South 69 degrees 30 minutes West 120 feet to a point in the center of the creek, thence South 85 degrees 20 minutes West 375 feet to a point in the center of the creek, thence South 67 degrees 30 minutes West 290 feet through the mouth of Falling Creek and into the center of the Henry Fork River, thence up the center of the Henry Fork River as it meanders to a point heretofore known as the Old Rowe Ford and runs thence North 38 degrees 10 minutes East for 477 feet to an iron stake, thence North 78 degrees 25 minutes East 290 feet to an iron stake; thence North 88 degrees East 1600 feet to an iron stake near the western margin of the Old

Brookford Road, thence in the same direction for 337.85 feet to an iron stake near the southern margin of the aforesaid Old Brookford Road, thence South 77 degrees 30 minutes East for 54.4 feet to an iron stake in the southern margin of the Old Brookford Road, thence along the said southern margin of the Old Brookford Road approximately as follows: North 69 degrees 29 minutes East 123 feet, thence North 51 degrees 55 minutes East 350 feet, North 44 degrees 12 minutes East 100 feet, North 31 degrees 8 minutes East 100 feet, North 22 degrees 53 minutes East 100 feet, North 19 degrees 3 minutes East 300 feet, North 21 degrees 34 minutes East 123 feet to a stake in the aforesaid margin of the aforesaid road and runs thence South 29 degrees 10 minutes East 336.8 feet to an iron stake in the center of a branch, thence South 5 degrees 49 minutes West 427 feet, thence South 84 degrees 41 minutes East 198 feet to an iron stake, thence South 74 degrees 41 minutes East 168 feet to an iron stake, thence South 40 degrees 16 minutes East 168.1 feet to an iron stake in the northern boundary of the Brookford School grounds, thence along the northern boundary of said school grounds North 49 degrees 6 minutes East 316.2 feet to the point of BEGINNING."

Sec. 3. (a) Definition—As hereinafter used the term "Old Boundaries" shall mean all the territory which was made a part of the Town of Brookford by Acts of the North Carolina Legislature in 1907, 1925, or 1937.

(b) All acts in behalf of the Town of Brookford by officials heretofore elected in public elections held for the said town within its old boundaries, and the acts of their appointees or agents in behalf of the said town are hereby ratified, confirmed and validated, and particularly all conveyances of real property or personal property and all contracts heretofore made with, to or by the said officials, their appointees or their agents when acting for the said town are hereby ratified, confirmed and validated except as hereinafter limited, and the officials presently acting for the said town pursuant to their election within its old boundaries in 1953 are hereby confirmed in the authority of their offices until the end of their terms in 1955.

(c) All tax, utility, and license collections heretofore made by officials, appointees, and agents of the Town of Brookford for the said town as constituted within its old boundaries are hereby ratified, confirmed, and validated but the said town shall not have legal authority to enforce any further collections of ad valorem tax levies made prior to 1955.

(d) For the purpose of levy and collection of ad valorem taxes, license fees, and other taxes the boundaries of the Town of Brookford as defined in Section 2 of this Act shall be deemed to have been the boundaries of the said town on and from January 1, 1955.

Sec. 4. Nothing in this Act shall affect pending litigation.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. B. 178 CHAPTER 200

AN ACT RELATING TO THE EXPRESSION OF OPINIONS OF PRESIDING JUDGES.

The General Assembly of North Carolina do enact:

Section 1. Article 19 of Chapter 1 of the General Statutes is hereby amended by adding a new Section after Section 1-180, to be designated as G. S. 1-180.1, and to read as follows:

"G. S. 1-180.1. The presiding judge shall make no comment in open court in the presence or hearing of all, or any member or members, of the panel of jurors drawn or summoned for jury duty at any term of court, upon any verdict rendered at such term of court; and if any presiding judge shall make any comment as herein prohibited, or shall praise or criticise any jury on account of its verdict, whether such comment, praise or criticism be made inadvertently or intentionally, such praise, criticism or comment by the judge shall constitute valid grounds as a matter of right, for the continuance for the term of any action remaining to be tried during that week at such term of court, upon motion of any party to any such action, plaintiff or defendant, or upon motion of the Solicitor for the State. The provisions of this Section shall not be applicable upon the hearing of motions for a new trial, motions to set aside the verdict of a jury, or a motion made in arrest of judgment."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. B. 212 CHAPTER 201

AN ACT TO AMEND G. S. 153-9 SO AS TO INCLUDE WILKES COUNTY WITHIN THE PROVISIONS AUTHORIZING TAX LEVIES FOR CERTAIN SPECIAL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The last sentence of subsection 43 of Section 153-9 as the same appears in the 1953 Supplement to Recompiled Volume 3C of the General Statutes is hereby amended by striking the word "and" in the last line of said sentence and inserting a comma in lieu thereof and by striking the period after the word "Union" in the last line thereof and by inserting after the word "Union" in the last line thereof the following "and Wilkes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. B. 292 **CHAPTER 202**

AN ACT TO AUTHORIZE THE CITY OF GREENVILLE, A MUNICIPAL CORPORATION LOCATED IN PITT COUNTY, NORTH CAROLINA, TO JOIN WITH OTHER PROPERTY OWNERS IN A PETITION TO THE SUPERIOR COURT OF PITT COUNTY FOR THE ESTABLISHMENT OF A DRAINAGE DISTRICT FOR THE DRAINAGE OF THE WATERSHED ADJACENT TO GREEN'S MILL RUN IN PITT COUNTY, AND TO AUTHORIZE THE CITY OF GREENVILLE TO PAY THE ASSESSMENTS LEVIED AGAINST ALL REAL ESTATE WITHIN SAID DRAINAGE DISTRICT LOCATED WITHIN THE CORPORATE LIMIT OF THE SAID CITY.

WHEREAS, the City of Greenville, a municipal corporation located in Pitt County, North Carolina, owns in fee simple several tracts or parcels of land within and without the corporate limits of the said city and located within the watershed of Green's Mill Run, which said run flows through the City of Greenville; and

WHEREAS, numerous persons and corporations own real estate within the watershed of the said Green's Mill Run, some of which is located within the corporate limits of the City of Greenville, and some outside the said city; and

WHEREAS, Green's Mill Run, which is a natural water course, has become filled with brush, logs, trash and other debris, which has caused the natural flow of water to be impeded to such an extent that water accumulates and stands in pools along said watercourse, becomes stagnant, breeding mosquitoes, and thereby creates a health hazard to the citizens of Greenville and adjacent areas; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the City of Greenville, a municipal corporation located in Pitt County, North Carolina, is hereby authorized and empowered, in its discretion, to join with other persons and corporations owning real estate within the watershed of Green's Mill Run in a petition to the Superior Court of Pitt County for the purpose of establishing a drainage district under the Laws of the State of North Carolina relating to drainage districts for the proper drainage of the said Green's Mill Run and the land within the watershed thereof.

Sec. 2. That the governing body of the City of Greenville, if in its discretion the said city should join with other property owners in a petition to the Superior Court seeking the establishment of said drainage district, and if upon such petition said drainage district should be established according to law, said governing body is authorized and empowered to pay from the revenues of said city all the pro-rata part or portion of the total cost of the construction of the said drainage project, which, under the law would otherwise be assessed against all real estate within the corporate limits of the City of Greenville and located within said drainage district, and including all real estate owned by the City of Greenville and located in said drainage district both within and without the said city; provided, however, that the engineer and board of viewers shall

classify all land in said drainage district lying within the City of Greenville, as well as all land owned by the said city and outside the corporate limits of the said city, according to the benefits received into either Class A, Class B, Class C, Class D, or Class E, as defined by General Statutes, Chapter 156, Section 71; provided, further, that no part of the real estate within the said drainage district and within the City of Greenville, nor any property owned by the said city within said drainage district lying outside the corporate limits of the city, shall be assessed at any rate in excess of the rate fixed by Statute for Class A lands.

Sec. 3. All laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. B. 350 CHAPTER 203

AN ACT TO AMEND CHAPTER 149 OF THE PRIVATE LAWS OF 1929, TO ENLARGE AND EXTEND THE CORPORATE LIMITS OF THE TOWN OF FAIRMONT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. In addition to the corporate limits of the Town of Fairmont, North Carolina, as now constituted pursuant to Acts of the General Assembly, the corporate limits of said town shall be extended so as to include the following described area:

Beginning at the northwest intersection of Arnold Street and Park Avenue and runs thence as the northern edge of Arnold Street, a westerly direction, 785 feet to the western line of the Fisher Park property; thence as the western line of the Fisher Park property, a southerly direction, 1321 feet to the southwestern corner of the Fisher Park property; thence as the southern line of the Fisher Park property approximately 875 feet to the western edge of Park Avenue, the present corporate limits, thence as the western edge of Park Avenue, the present corporate limits, approximately 760 feet to the beginning.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. B. 357 **CHAPTER 204**

AN ACT TO AMEND CHAPTER 351 OF THE PRIVATE LAWS OF 1913 AS AMENDED BY CHAPTER 777 OF THE SESSION LAWS OF 1949 RELATING TO THE CHARTER OF THE TOWN OF DALLAS, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The charter of the Town of Dallas, as revised and amended by Chapter 351 of the Private Laws of 1913 and amended by Chapter 777 of the 1949 Session Laws, is hereby amended by striking from line two of Section 16 of said charter the words and figures "five dollars ($5.00)" and by inserting in lieu thereof the words and figures "ten dollars ($10.00)". Section 17 of said charter is hereby further amended by striking from line eighteen thereof the words and figures "two hundred (200)" and inserting in lieu thereof the words and figures "four hundred (400)".

Sec. 2. All laws and clauses of laws in conflict with this Act, including conflicting provisions of Chapter 777 of the 1949 Session Laws, are hereby repealed.

Sec. 3. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. B. 369 **CHAPTER 205**

AN ACT TO ESTABLISH A LAW LIBRARY IN WAYNE COUNTY.

WHEREAS, an adequate court library is necessary and desirable for the use of the courts and court officials in Wayne County; and

WHEREAS, the establishment of a court library in Wayne County will promote the best interests of the litigants and citizens of said county; and

WHEREAS, it is desired to provide for the proper equipment, books and records, and for the proper support and maintenance of said library: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Clerk of the Superior Court, the President of the Wayne County Bar Association, the Vice President of the Wayne County Bar Association, the Chairman of the Library Committee of the Wayne County Bar Association, and the Auditor of Wayne County, and their successors in office, be, and they are hereby constituted the Board of Trustees of the Wayne County Law Library and they shall be custodian of all books, supplies, equipment and property of the law library which shall be kept and maintained for the County of Wayne, and for the use of the courts and court officials of said county; and said board of trustees are authorized and empowered to purchase for said library all books, supplies, equipment and property as in their opinion is necessary to fulfill the purposes of this Act.

Sec. 2. All books, equipment, supplies and property of said library shall be the property of the County of Wayne, and the said county is

authorized to hold title to said property, and the custodian or its agent, is authorized to add thereto by gift, donation, purchase and otherwise, such books of law and legal reference, supplies and equipment as may be reasonably necessary and proper for an adequate court library.

Sec. 3. The custodian of said library shall prescribe such reasonable rules and regulations for the use, control, and management of said library, as may be deemed proper, and any violation of such reasonable rules and regulations by any person shall constitute a misdemeanor, the person violating same shall forfeit and pay ten dollars ($10.00) to the library fund hereinafter provided for.

Sec. 4. In order to provide a fund for the equipment, maintenance and support of the said library, in every civil action or special proceeding instituted in the Superior Court of Wayne County where costs are paid in advance, one dollar ($1.00) shall be taxed and paid to the Clerk of the Court to be set aside and designated as a Court Library Fund; and all other civil actions or special proceedings tried or disposed of in the Superior Court of said county shall be taxed one dollar ($1.00) for said Court library Fund when costs are collected or paid to the said Clerk; and, in like manner, there shall be taxed and paid the sum of one dollar ($1.00) for every criminal case in the Superior Court of Wayne County and in the County Court of Wayne County, in which costs are paid by the defendant, and, if any other court shall be established in the County of Wayne exercising jurisdiction above that of a justice of the peace, there shall be collected in such courts the sum of one dollar ($1.00) for the Court Library Fund in each civil and criminal case as prescribed herein: Provided that after July 1, 1956 the amount taxed for the support of said library shall be fifty cents (50c) in each civil and criminal case and special proceeding. The Court Library Fund shall be paid by the Clerk of the Superior Court to the Auditor of Wayne County monthly, and shall be deposited by said auditor in a bank designated by the custodian for that purpose and shall be used solely for the purpose of equipping, maintaining, and operating said library. All checks, when ordered to be drawn by the custodian as constituted in Section 1, shall be drawn on said account and shall be signed by the Chairman of the Board of County Commissioners for Wayne County, the Chairman of the Library Committee of the Wayne County Bar, and countersigned by the Auditor of Wayne County, and it shall be the duty of the auditor to keep a correct account of all receipts and disbursements in connection with said funds.

Sec. 5. That all laws and clauses of laws in conflict with this Act are hereby repaled.

Sec. 6. That this Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. B. 375 **CHAPTER 206**

AN ACT TO AMEND THE PUBLIC-LOCAL LAWS APPLYING TO RURAL POLICEMEN AND DEPUTY SHERIFFS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all laws and clauses of laws as set forth in Public-Local Laws of North Carolina providing for and in connection with rural policemen for Robeson County, including Public-Local Laws of 1913, Chapter 418 and Chapter 778; Public-Local Laws of 1915, Chapter 411; Public-Local Laws of 1917, Chapter 19 and Chapter 214; Public-Local Laws of 1919, Chapter 131; Public-Local Laws, Extra Session, of 1920, Chapter 161; Public-Local Laws of 1921, Chapter 129; Public-Local Laws, Extra Session, of 1924, Chapter 163; Public-Local Laws of 1927, Chapter 321; Public-Local Laws of 1935, Chapter 297, Chapter 301, and Chapter 363; Public-Local Laws of 1939, Chapter 213 and Chapter 517; and Public-Local Laws of 1941, Chapter 159, are hereby amended so as to abolish and do away with the office of rural policemen or offices of rural policemen in Robeson County and so as to repeal all provisions relative to the oath, bond, duties and obligations of said offices to the end that the Sheriff of Robeson County may and shall appoint deputy sheriffs to perform the services and duties heretofore provided to be performed by rural policemen.

Sec. 2. That the Sheriff of Robeson County is authorized and empowered to appoint and designate such number of salaried deputy sheriffs as may be provided for by the Board of Commissioners of Robeson County, and such deputy sheriffs so appointed by the sheriff, when sworn and qualified as provided by law for deputy sheriffs, are and shall be vested with all of the powers and authorities usually vested in deputy sheriffs under the laws of the State of North Carolina, together with all powers and authorities heretofore vested in rural policemen of Robeson County under the laws applying at the time of the ratification of this Act.

Sec. 3. That the Board of Commissioners of Robeson County is authorized and empowered to designate the number of salaried deputy sheriffs to be appointed by the Sheriff of Robeson County under the terms of this Act, to fix the salaries, mileage and other compensation to be paid such deputy sheriffs and to pay such salaries, mileage and other compensation to such deputy sheriffs from the General Fund of Robeson County and to provide for such payment in the budget of Robeson County.

Sec. 4. That all deputy sheriffs appointed by the Sheriff of Robeson County under the provisions of this Act shall be responsible to the sheriff for their acts performed and committed as such deputy sheriffs in the same manner and to the same extent as deputy sheriffs are responsible to the sheriff under the laws applying in the State of North Carolina, and the Sheriff of Robeson County shall be responsible for the acts of such deputy sheriffs in the same manner and to the same extent as sheriffs are responsible for the acts of deputy sheriffs under the laws applying in the State of North Carolina.

Sec. 5. That the Sheriff of Robeson County and the deputy sheriffs appointed under the provisions of this Act may receive and be entitled to the fees as provided by law for the service or execution of civil process; but other than said fees they shall receive no compensation other than that authorized by the Board of Commissioners of Robeson County under the provisions of this Act.

Sec. 6. That the Sheriff of Robeson County is authorized and empowered, in his discretion, to revoke the appointment of any deputy sheriff appointed under the provisions of this Act and to remove such deputy sheriff from office at any time he deems proper.

Sec. 7. That all persons serving as deputy sheriffs of Robeson County under appointment heretofore made by the Sheriff of Robeson County shall continue to serve as such until their appointment is revoked or they are removed from office as by law provided.

Sec. 8. That nothing herein provided shall be construed to prevent the Sheriff of Robeson County from deputizing other persons or appointing such other deputy sheriffs as he may deem proper, but only the number designated and provided for by the Board of Commissioners of Robeson County shall be paid by the County.

Sec. 9. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. B. 376 CHAPTER 207

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ROWAN COUNTY TO APPROPRIATE NON-TAX REVENUES FOR THE SUPPORT OF ROWAN MUSEUM, INCORPORATED.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Rowan County be and it is hereby authorized and empowered to appropriate non-tax revenues for the support of Rowan Museum, Incorporated.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. B. 398 CHAPTER 208

AN ACT AUTHORIZING THE CITY OF ROCKY MOUNT TO CONVEY CERTAIN REAL ESTATE TO THE TRUSTEES OF THE ROCKY MOUNT ADMINISTRATIVE UNIT OF THE PUBLIC SCHOOL SYSTEM.

WHEREAS, the City of Rocky Mount is the owner of a tract of land containing approximately 15 acres fronting on Fairview Road that is not needed for municipal purposes and the Trustees of Rocky Mount City Administrative Unit are desirous of acquiring the same as a site for a school building; and

WHEREAS, in the opinion of the board of aldermen, the public interest will be best served by utilizing the land for school purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Rocky Mount, in the exercise of its discretion, is authorized to sell privately that certain tract of land containing approximately 15 acres fronting on Fairview Road in the City of Rocky Mount to the Trustees of the Rocky Mount City Administrative Unit of the Public School System and their successors in office, for a consideration to be agreed upon between the parties, and upon receipt of the said consideration the mayor and city clerk, when authorized so to do by the board of aldermen, are empowered to execute deed in the name of the City of Rocky Mount conveying the said property in fee simple.

Sec. 2. Sections 2 and 59 of Chapter 160 of the General Statutes of North Carolina, to the extent that they conflict with this Act, are repealed, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. B. 401 CHAPTER 209

AN ACT TO AMEND CHAPTER 419 OF THE SESSION LAWS OF 1943 ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HARRELLS STORE IN SAMPSON COUNTY" BY REWRITING THE SAME.

The General Assembly of North Carolina do enact:

Section 1. Chapter 419 of the Session Laws of 1943 is hereby amended by rewriting the same to read as follows:

"Section 1. That from and after the ratification of this Act, the persons residing within one mile of the intersection of North Carolina Highway No. 421 and Kerr Station Road, in Sampson County, North Carolina, shall be and remain in body politic and corporate under the name and style of

Harrells, and shall have all the powers, rights and privileges belonging to or usually vested or pertaining to municipal corporations.

"Sec. 2. That J. Amos Carter is hereby appointed Mayor of said Town of Harrells, to serve until Tuesday after the first Monday in May, one thousand nine hundred and fifty-seven, and until his successor is elected and qualified. The mayors elected thereafter shall serve for terms of two years.

"Sec. 3. That Herbert Cannady, Clayton F. Johnson, Edwin W. Melvin, and Preston J. Ward are hereby appointed as Aldermen for the said Town of Harrells, to serve until Tuesday after the first Monday in May, one thousand nine hundred and fifty-seven, and until their successors are elected and qualified. The Aldermen elected thereafter shall serve for terms of two years.

"Sec. 4. That Mrs. B. H. Hall is hereby appointed Town Clerk, to hold office during the term of office of the present Board of Aldermen. After the term of office of the present Clerk has expired, the Board of Aldermen shall appoint the Town Clerk.

"Sec. 5. That the General Laws of the State of North Carolina, Chapter 160 of the General Statutes, and all amendments thereto, governing municipal corporations, including the provisions regulating municipal elections, shall be in full force and effect and applicable to the said Town of Harrells."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. B. 405 CHAPTER 210

AN ACT TO AMEND CHAPTER 32 OF THE PRIVATE LAWS OF 1895 RELATING TO THE CHARTER OF THE TOWN OF GUILFORD COLLEGE SO AS TO EXTEND THE CORPORATE LIMITS OF SAID TOWN AND TO FILL THE OFFICES PROVIDED BY THE CHARTER OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 32 of the Private Laws of 1895 is rewritten to read as follows:

"Sec. 2. Until the election of mayor and commissioners to be held on the first Monday in May, 1955, Clyde A. Milner shall be mayor and A. I. Newlin, David H. Parsons, Jr. and H. A. Ljung shall be Commissioners of the Town of Guilford College."

Sec. 2. Section 3 of Chapter 32 of the Private Laws of 1895 is rewritten to read as follows:

"Sec. 3. The corporate limits of the Town of Guilford College shall include the following:

"Beginning at a point of the eastern boundary of the State Highway right-of-way of New Garden Road, also known as Oak Ridge Road, in Friendship township, Guilford County, said point being approximately 3150 feet North of Friendly Road and said point being the northwest corner of the Guilford College property; thence South 86 degrees 55 minutes East along Guilford College property line 2278.9 feet to a stone; thence North 16 degrees 11 minutes West, 253.9 feet to a stone in the college line; thence South 87 degrees .4 minutes East along the Guilford College property line approximately 3401.6 feet to the western boundary of the State Highway right-of-way of Meecham Road, also known as Jefferson Road; thence South 4 degrees 57 minutes West 389.5 feet along said right-of-way to a stone; thence South 2 degrees 11 minutes West 1015.4 feet to a stone along said right-of-way in college line; thence North 88 degrees 50 minutes West 1061 feet to a stone, J. A. Coltrane-Guilford College corner; thence South 8 degrees 84 minutes East approximately 1386 feet to the northern boundary of the State Highway right-of-way along Friendly Road; thence in a westerly direction along said Friendly Road right-of-way approximately 4350 feet to its intersection with the right-of-way of New Garden Road, (Oak Ridge Road); thence along the eastern boundary of the State Highway right-of-way of said New Garden Road 3483 feet to the beginning."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. B. 443 CHAPTER 211

AN ACT TO AUTHORIZE THE DESK OFFICER OR DESK SERGEANT IN THE CHAPEL HILL POLICE OFFICE TO ISSUE WARRANTS.

The General Assembly of North Carolina do enact:

Section 1. Any desk officer or desk sergeant assigned for duty in the Chapel Hill Police Office in Orange County shall have all the power and authority while acting and on duty as desk officer or desk sergeant in the police officers' headquarters in Chapel Hill now conferred upon justices of the peace, to issue warrants for the arrest of all persons charged with the commission of offenses within the jurisdictional limits of the Town of Chapel Hill, which warrants, however, shall be made returnable before some justice of the peace of the township or before the Judge of the Chapel Hill Recorder's Court. Such warrants shall be issued only upon affidavit made as now required by law to support warrants issued by justices of the peace, and such warrants so issued shall be served by some peace officer other than the officer issuing the warrant. The fee for services of the officer issuing the warrant shall be the same as that of a justice of the peace and shall be appropriated to the use of the Town of Chapel Hill.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

S. B. 73 CHAPTER 212

AN ACT TO AMEND CHAPTER 96 OF THE PRIVATE LAWS OF 1913 RELATING TO THE MUNICIPAL COURT OF THE CITY OF GASTONIA IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 8 of Chapter 96 of the Private Laws of 1913 is rewritten to read as follows:

"Sec. 8. Warrants, search warrants, subpoenas, orders, capiases and all other processes applicable to said court may be issued by the judge, the substitute judge, the clerk of court and deputy clerks of said court, for any person or persons charged with the violation of any of the criminal laws of this State, which process shall be made returnable before the judge presiding over said court within 30 days from the issuance thereof. Any person convicted in said court shall have the right to appeal to the Superior Court of Gaston County as is now provided for appeals from courts of justices of the peace and upon such appeal the trial shall be de novo."

Sec. 2. Section 19 of Chapter 96 of the Session Laws of 1913 as amended is rewritten to read as follows:

"Sec. 19. The clerk and the deputy clerks of said court shall be appointed by the City Council of the City of Gastonia on or before the first Monday in April, 1955, to serve until the second Tuesday in May, 1955, when the City Council of the City of Gastonia shall elect their respective successors to serve for a term of two years and until their respective successors shall have been duly elected and qualified. Their respective successors shall be elected by said city council every two years thereafter. Before entering upon the duties of said offices as clerk and deputy clerk, they shall enter into a bond, with good and sufficient surety, in the sum of one thousand dollars ($1,000.00), payable to the State of North Carolina, for the use and benefit of said City of Gastonia, for the true and faithful performance of their duties as clerk or deputy clerks of said court and for the faithful accounting for and paying over of all moneys which may come into their hands by virtue of said office. Said bond shall be approved by the City Council of the City of Gastonia. Said clerk and deputy clerks shall be paid by the City of Gastonia a salary to be fixed within the discretion of the city council not to exceed the sum of fifteen hundred dollars ($1,500.00) per annum, to be paid in equal monthly installments. Said clerk and deputy clerks shall make monthly settlement with the county and city treasurers; provided, the office of the clerk may be combined by said city council with any other city office and one person may be elected by said city council to perform the duties of both offices."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

S. B. 88 CHAPTER 213

AN ACT REGULATING THE MARKETING OF EGGS.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Article shall be known as the North Carolina Egg Law.

Sec. 2. Definitions. The following words, terms, and phrase shall be construed for the purpose of this Article as follows:

(A) "Eggs" mean the eggs of a domesticated chicken hen, which eggs are in the shell.

(B) "Fresh Eggs" means eggs that meet the requirements for consumer Grade A or above as prescribed in the Standards and Grades for individual shell eggs adopted by the Board of Agriculture of North Carolina.

(C) "North Carolina Eggs" means any eggs which are produced in this State.

(D) "Commissioner" means Commissioner of Agriculture of North Carolina.

(E) "Producer" means a person, firm, or corporation selling no eggs other than eggs produced by his or its own flock.

(F) "Retailer" means any person, firm, or corporation selling or offering for sale eggs to consumers in this State.

(G) "Distributor" means any person, firm, or corporation offering for sale or distributing eggs in this State to a retailer, cafe, restaurant, or any other establishment serving eggs to the public or to an institutional user and shall include any person, firm, or corporation distributing eggs to his or its own retail outlets or stores but shall not include any person, firm, or corporation engaged only to haul or transport eggs, nor shall the term distributor include a producer.

Sec. 3. Requirements for Certificate. Every distributor as defined by this Article shall obtain from the Commisisoner of Agriculture a certificate authorizing such distributor to engage in the selling or distributing of eggs. This certificate shall be issued free of charge and shall expire the 30th day of June after its issue. Such certificate is renewable free of charge at any time during the 30 days immediately preceding its expiration date.

Sec. 4. Egg Inspection Fee. An inspection fee not to exceed one-fifteenth (1/15) of a cent per dozen is imposed upon all eggs sold or distributed in this State by distributors, the same to be collected by the Department of Agriculture. The proceeds thereof are to be placed in a special fund, and shall be continuously available to the Commissioner to be used

for the purpose of defraying the expenses of the administration of this Article.

The Board of Agriculture shall have the authority to reduce in a uniform manner the fees or charges herein provided if in its judgment the expenses of the administration of this Article justify such reduction.

Sec. 5. Collection of Inspection Fee. The North Carolina Board of Agriculture shall be authorized to prescribe and administer such reasonable rules and regulations as are necessary for the collection of the inspection fee required by this Article.

Sec. 6. Sales Between Distributors. In the event a distributor who is a holder of a certificate shall sell or consign eggs to another distributor holding a certificate, the consignor or original seller may deliver to the consignee the eggs so sold or consigned without payment of inspection fee or identifying eggs as to grade or weight class, provided said eggs are accompanied by proper invoice.

Sec. 7. Unlawful Acts. Except as provided in subsection (b) and (c) of this Section, it shall be unlawful:

(a) For any distributor in selling or delivering eggs to a retailer, cafe, or to an institutional user, to fail to furnish to the buyer or consignor an invoice showing the seller's or deliverer's name and address, and the quantity, grade and weight class of eggs involved in each transaction, unless such eggs are designated as ungraded. A copy of such invoices shall be kept on file by the seller for a period of at least 30 days.

(b) For any person, firm, or corporation to offer for sale, expose for sale, or have in possession with intent to sell in this State eggs in any carton or any other type of package without clearly designating thereon in plain and readily legible print the name and address of the packer or distributor of such eggs and the grade and weight class to which the eggs contained therein conform, unless such eggs are designated as ungraded. Such designation shall be of the kind and in the manner required by the rules of the Department of Agriculture. Provided, however, that nothing in this sub-section shall apply to the transactions contemplated in Section 6 of this Article; and provided further, that any retailer who purchases eggs directly from a producer, may sell at retail in cartons such eggs purchased without grade or size being designated thereon.

(c) In offering eggs for sale at retail in open cases, boxes, or other containers from which eggs are sold in bulk to consumers, to fail to display conspicuously on such case, box, or other container a plainly written designation showing the correct grade and weight class to which such eggs conform unless such eggs are designated as ungraded; such designation shall be of the kind and the manner required by the rules of the Department of Ariculture; provided, however, that any retailer may offer eggs for sale at retail in open cases, boxes or baskets, without designating the grade or size thereon, when such eggs are purchased directly from producers.

(d) To sell, offer for sale, expose for sale, or have in possession with intent to sell in this State eggs for human consumption, if the package or container, display, or any advertising pertaining thereto, bears any

statement or device which is false or misleading with respect to the freshness, grade, or size of the eggs being sold or advertised.

(e) To advertise the sale of eggs in any newspaper or circular or by radio, or other form of advertisement wherein the price of eggs offered for sale is stated, without also designating in such advertisement the grade and size classification to which the eggs being offered for sale conform, unless such eggs are designated as ungraded.

(f) To use the word "Fresh", "Nulaid", "Country", "Hennery", "Day-Old", "Select", "Selected", "Certified", "Best", "Nearby", "Fresh-Laid", or any other similar descriptive terms which the Commissioner, by rule, shall prohibit in connection with advertising or selling eggs unless such eggs conform to the definition of fresh eggs as prescribed in this Article.

(g) To use the word "North Carolina" in connection with the advertisement and sale of eggs not produced in this State.

Sec. 8. Rules and Regulations. The Board of Agriculture is authorized to make and promulgate such rules and regulations as may be necessary to carry out the provisions of this Article.

The Board of Agriculture may at its discretion, and after reasonable notice to interested parties, order and conduct a public hearing prior to the adoption and promulgation of any rule or regulation authorized by this Article. The Board may also appoint an advisory committee from the industry, the members of which shall serve without compensation.

Sec. 9. Board to fix Standards, Grades and Weight Classes; Producers and Others May Grade. The Board of Agriculture shall establish and promulgate such standards of quality, grades and weight classes for eggs to be sold or offered for sale in this State as will promote honest and fair dealings in the interest of the poultry industry and the consumer. Such standards, grades and weight classes may be altered or modified by the Board whenever it deems it necessary.

Nothing in this Article shall prevent any person, firm, or corporation, including a producer, from grading eggs according to the grades and weight classes adopted by the Board of Agriculture.

Sec. 10. Powers of the Commissioner in Making Inspection. For the purpose of carrying out the provisions of this Article, the Commissioner, individually or through his authorized inspectors or agents, is authorized:

To enter, on any business day, during the usual hours of business, any store, market, or any other building or place where eggs are sold or offered for sale in this State, or to stop and inspect any truck or other vehicle transporting eggs to be held or offered for sale, or possessed for the purpose of sale in this State, and to make such examination or inspection as may be necessary to ascertain whether any provision of this Article or any rule or regulation duly promulgated hereunder in relation to the sale or offering for sale in this State of any eggs is being violated.

Sec. 11. Exemptions. The provisions of this Article shall not apply to:

(a) Producers as defined in this Article.

(b) Those who buy or sell eggs to be used exclusively for hatching purposes.

(c) Any shipment of eggs while the same constitutes a bona fide shipment in interstate commerce, but this Article shall apply at the very instant when an interstate shipment loses its character as such.

Sec. 12. Penalties for Violations. Any person violating any provision of this Article, or any rule or regulations promulgated by the Board of Agriculture under this Article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days.

In addition, the Commissioner may, after due notice and hearing, suspend or revoke the certificate of any distributor who has been convicted of any violation of this Article or any rules or regulations made pursuant thereto.

Sec. 13. Provisions Declared Severable. If any provision of this Act or the application thereto to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or applicaton, and to this end the provisions of this Act are declared to be severable.

Sec. 14. Laws Repealed. General Statutes of North Carolina, Sections 106-240 through 106-245 and all other laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Asesmbly read three times and ratified, this the 15th day of March, 1955.

S. B. 171 CHAPTER 214

AN ACT TO FIX THE FEES, COSTS, AND COMMISSIONS TO BE CHARGED AND COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Fees, costs and commissions to be charged and collected by the Clerk of Superior Court of Mecklenburg County for services rendered by him shall be as hereinafter set out: Provided, that when a fee, cost, or commission is not fixed herein such fee, cost, or commission shall be charged as set out in the General Statutes of North Carolina, and the fees, costs and commissions herein set out shall be charged and collected by the Clerk of Mecklenburg County.

Adoptions—Entire proceeding, and recording, same before the Clerk of Superior Court, fifteen dollars ($15.00).

Appeal, docketing from clerk or any other court, two dollars ($2.00) for one defendant, ten cents (10c) for each additional defendant.

Appeal to Supreme Court, including certificate and seal, three dollars ($3.00).

Appointments, administrator or guardian, application and preliminary inventory, bond, oath, order of appointment and original letter, five dollars ($5.00). Each additional letter, one dollar ($1.00).

Fees for auditing accounts of executors, administrators, et cetera, auditing annual or final accounts of receivers, executors, administrators, administrators with will annexed, collectors, surviving partners, guardian, trustees for incompetents, and trustees under wills, the fee shall be one dollar ($1.00) for each one hundred dollars ($100.00) or a fraction thereof of the total receipts and disbursements through one thousand dollars ($1,000.00), and ten cents (10c) per each one hundred dollars ($100.00) or fraction thereof on everything above one thousand dollars ($1,000.00), but in no instance shall the fee be less than two dollars ($2.00), nor more than one hundred and fifty dollars ($150.00) for each year, plus recording. Provided, that when stocks and bonds or any other personal property is delivered to any heir, distributee, legatee, or devisee, without converting the same into cash, these fees shall be computed and charged on same just as though they had been converted into cash, the value of said stocks, bonds, et cetera, to be fixed as of the date of death or qualification of the fiduciary, the fee to be charged by the clerk at time of filing either annual or final account.

Accounts of trustees and mortgagees: Auditing final accounts of trustees and mortgagees or other persons, firms or corporations selling real estate under foreclosure proceeding required by law to render such final account, the fee shall be fifty cents (50c) on each one hundred dollars ($100.00) through one thousand dollars ($1,000.00) and ten cents (10c) for each one hundred dollars ($100.00) for everything above one thousand dollars ($1,000.00); provided, the minimum fee shall be not less than three dollars ($3.00) and provided, the maximum fee shall be not more than one hundred dollars ($100.00).

Advance court costs, one defendant, ten dollars ($10.00), for each additional defendant twenty-five cents (25c), plus the sheriff's fee for service.

Automobile tax report, one dollar ($1.00).

Bill of costs, preparing, one dollar ($1.00).

Bond or recognizance, including justification for bonds not otherwise provided for, one dollar ($1.00). Out of town, two dollars ($2.00).

Bond: Prosecution bond for costs, including justification, one dollar ($1.00).

Caveat to wills: Entering and docketing the same for trial, two dollars and fifty cents ($2.50); and ten cents (10c) for entering on cross index as to each party in the proceeding.

Certificate and seal: One dollar ($1.00), except when it is a charge against the county, and in that instance, no fee shall be charged.

Commissions: Appointing and issuing, one dollar ($1.00), without seal.

Commissions: Five per cent (5%) commission shall be allowed the clerk on all fines, penalties, amercements and taxes paid the clerk by virtue of his office.

Commissions: The clerk shall receive three per cent (3%) on all sums of money placed in his hands by virtue of his office, except on judgments, decrees, and executions.

Copies of records: Verifying, twenty-five cents (25c) per page and one dollar ($1.00) additional for certificate and seal.

Confirmation of sale: When signed by the clerk or judge, one dollar ($1.00).

Deed: Probate of deed, deed of trust, mortgage, etc., fifty cents (50c) for each certificate, twenty-five cents (25c) for each additional certificate, and twenty-five cents (25c) cost of handling documentary stamps and attaching same to deeds.

Divorce, alimony and annulment actions: Non-contested. Total clerk's fee through rendition and docketing of judgment, eighteen dollars ($18.00), to be paid at time action is instituted. The fee of eighteen dollars ($18.00) includes the true copy stamp and seal on two copies of judgment, but does not include the copying of the judgment, plus sheriff's fee for service.

Dower: Issuing writ of dower, two dollars ($2.00).

Ex parte proceeding: Docketing, two dollars ($2.00).

Execution: Regular form, issuing and docketing return of sheriff, two dollars ($2.00), plus sheriff's fee for service.

Execution: Issuing to another county, two dollars and twenty-five cents ($2.25), plus sheriff's fee for service.

Filing papers: Ten cents (10c) for each paper filed.

Guardian: Notifying solicitor of removal of guardian, one dollar ($1.00).

Hearing before the clerk, three dollars, ($3.00) per hour for each hour; minimum fee to be not less than one dollar ($1.00).

Indexing all matters, ten cents (10c) each time indexed.

Indictment: Docketing for each person in bill, fifty cents (50c).

Indictment: Certificate on bill of indictment, fifty cents (50c).

Inventory of administrator, administrators with will annexed, receivers, surviving partners, executors, guardians, collectors, trustees for incompetents, and trustees under will, regular form, one dollar and fifty cents ($1.50), each additional sheet, one dollar ($1.00).

Corporation certificate and limited partnerships: Recording first four pages, five dollars ($5.00), including the certificate of Secretary of State, plus one dollar ($1.00) for each additional page or fraction thereof. Minimum fee, five dollars ($5.00).

Preliminary certificate of dissolution one dollar ($1.00).

Final certificate of dissolution, one dollar ($1.00).

Justices of the peace: Qualifying, one dollar ($1.00), certification, one dollar ($1.00).

Judgment: Docketing judgments, one dollar ($1.00).

Judgment: Each certificate of satisfaction or docket entries with seal, one dollar ($1.00).

Judgment: Final judgment in all civil actions, one dollar ($1.00), whether signed by clerk or judge.

Judgment: By confession, without notice, all services, three dollars ($3.00).

Judgment nisi: Recording each, one dollar ($1.00).

Jury: Impaneling, twenty-five cents (25c).

Jury tax: Five dollars ($5.00) minimum, to be taxed in every case appearing on the trial docket with ten dollars ($10.00) additional to be charged for each additional day or fraction thereof.

Lien and lis pendens: Minimum fee two dollars ($2.00) for one page. One dollar ($1.00) each additional page. Ten cents (10c) each additional index after first two names.

Motion: Entry and record of, fifty cents (50c).

Notice and order: All notices and orders, whether signed by judge or clerk, one dollar ($1.00).

Notary public: Qualifying, indexing, and notification to Governor, one dollar ($1.00). Certification as to notary public, one dollar ($1.00).

Nurses, doctors and pharmacists: Registering, including certificate and seal, two dollars ($2.00).

Partnership: Probate of regular certificate and recording same, two dollars ($2.00). Ten cents (10c) each additional indexing.

Process agent: Recording appointment of process agent for nonresident, two dollars ($2.00).

Presentment: Each defendant, in same, one dollar ($1.00).

Recording: Double spaced, one dollar ($1.00) per page; single spaced, two dollars ($2.00) per page.

Renunciation of right to administer or qualify a fiduciary, receiving, filing and noting same, one dollar ($1.00).

Record: Transcript of any matter of record or papers on file, one dollar ($1.00) per page.

Referee: Stating any account as referee, pursuant to order of the judge, such allowance as the judge may make.

Summons: Docketing one name, twenty-five cents (25c). Ten cents (10c) each additional defendant.

Summons: Issuing original in any action, one dollar ($1.00).

Summons: Every copy of same, twenty-five cents (25c).

Seal office: Twenty-five cents (25c).

Subpoena: Each name in same, fifty cents (50c).

Stenographer: Court stenographer, a minimum of two dollars and fifty cents ($2.50) to be charged in all civil and criminal cases. Maximum charge ten dollars ($10.00) per day, in any one case.

Transcript: Issuing transcript of judgment to another county, two dollars ($2.00).

Transcript on issues of law joined, one dollar ($1.00).

Issuing pistol permits, three dollars ($3.00).

Registering maiden name, one dollar ($1.00).

Wills: Executed, holograph and nuncupative. Application for probate, examination of witness, one verified copy of will to executor, order of probate, notices to beneficiaries, indexing two names, ten cents (10c) per name over two, and recording will, if not over three pages, seven dollars and fifty cents ($7.50). For each additional page or fraction thereof, one dollar ($1.00).

Qualifying as executor, three dollars ($3.00).

Widow's year's support: Docketing, two dollars ($2.00).

Sec. 2. No jury tax to be charged in civil cases when clerk signs judgment.

Sec. 3. That whenever any regular juror summoned for the beginning of any term of court is excused by the judge on the convening of court, he shall not receive any compensation for attending as such juror.

Sec. 4. Solicitor's fees: In all criminal cases as follows: Assault with deadly weapon and gambling, eight dollars ($8.00); violation of prohibition laws, speeding and reckless driving, operating car while drunk, twelve dollars ($12.00); larceny, assault with deadly weapon with intent to kill, false pretense, fifteen dollars ($15.00); store breaking and larceny, house breaking and larceny, forgery, embezzlement, twenty dollars ($20.00); manslaughter, forty dollars ($40.00).

Sec. 5. Criminal cases: The judge, in his discretion, may strike out jury tax and court stenographer's fee, either or both, when the defendant pleads guilty, and jury is not impaneled and court stenographer does not begin the taking of evidence. If trial is begun, jury impaneled and court stenographer started to take evidence, in the event the defendant pleads guilty, without the jury passing upon same, court stenographer and jury tax to be charged according to schedule.

Sec. 6. The foregoing shall be the fees to be charged by the Clerk of the Superior Court of Mecklenburg County in criminal actions wherein the defendant is adjudged to pay costs, said fees to be taxed by the clerk in the bill of costs against the losing party for the purposes and in the actions enumerated herein.

Sec. 7. The fees provided herein to be paid to the clerk for services rendered by him, as Clerk of the Superior Court of Mecklenburg County, shall be collected as provided in G. S. 138-2.

Sec. 8. Advance court cost to be paid to Clerk of Superior Court in civil actions. One defendant. Clerk Superior Court ten dollars ($10.00). Process tax two dollars ($2.00). Sheriff's fees two dollars and fifty cents ($2.50).

Sec. 9. This Act shall apply to Mecklenburg County only.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be effective on and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 11 CHAPTER 215

AN ACT TO ALLOCATE THE SUM OF NOT TO EXCEED $25,000.00 TO THE INSTITUTE OF GOVERNMENT FROM FUNDS APPROPRIATED FOR THE GENERAL ASSEMBLY BY SECTION 1 OF CHAPTER 1165 OF THE SESSION LAWS OF 1953.

The General Assembly of North Carolina do enact:

Section 1. There is hereby allocated from the appropriation to the General Assembly by Section 1 of Chapter 1165 of the Session Laws of 1953 the sum of not to exceed twenty-five thousand dollars ($25,000.00).

The sum so allocated, or so much thereof as may be necessary, shall be paid to the Institute of Government to defray its expenses incurred in the preparation and distribution of its Legislative Service during the 1955 Session of the General Assembly.

Sec. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 110 CHAPTER 216

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ROBESON COUNTY TO FIX ALL OFFICIAL FEES TO BE CHARGED AND COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF SAID COUNTY AND BY THE REGISTER OF DEEDS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the date of the ratification of this Act, the Board of Commissioners of Robeson County is hereby authorized and empowered to fix the amount of all official fees that shall be charged by the Clerk of the Superior Court of Robeson County for each and every official act performed by said clerk for which a fee is allowed to be charged and collected by law by said official.

Sec. 2. From and after the date of the ratification of this Act, the Board of Commissioners of Robeson County is hereby authorized and empowered to fix the amount of all official fees that shall be charged by the Register of Deeds of Robeson County for each and every official act performed by said register for which a fee is allowed to be charged and collected by law by said official.

Sec. 3. The Board of Commissioners of Robeson County is authorized and empowered to change, alter, modify, increase or decrease said official fees charged by the Clerk of the Superior Court and the Register of Deeds of Robeson County for official acts performed by said officers, and for which fees are allowed by law, and the said board of commissioners shall fix and determine the time when said fees, or modifications thereof, shall go into effect, and the same shall become effective upon filing with said Clerk of the Superior Court and Register of Deeds a list of said fees so fixed by said board of county commissioners, and thereafter, it shall be the duty of said Clerk of the Superior Court and Register of Deeds to charge and collect said official fees according to the official list or fee bill filed with them by said Board of Commissioners of Robeson County; that until said fees are altered or changed by said Board of Commissioners of Robeson County as herein provided, the official fees which are now in force and effect shall continue to be charged and collected by said Clerk of the Superior Court of Robeson County and by said Register of Deeds of Robeson County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 186 CHAPTER 217

AN ACT TO AMEND CHAPTER 538 OF THE SESSION LAWS OF 1953, RELATING TO THE STATUTE OF LIMITATIONS ON TAX LIENS AS APPLIED TO PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 1 of Chapter 538 of the Session Laws of 1953 by striking out the figures "1955", as the same appear in the third line of said Section 1, and by inserting in lieu thereof the figures "1957".

Further amend Section 1 of Chapter 538 of the Session Laws of 1953 by striking out the figures "1955", as the same appear in the fifth line of Section 1, and by inserting in lieu thereof the figures "1957".

Sec. 2. Amend Sec. 3 of Chapter 538 of the Session Laws of 1953 by striking out all of said Sec. 3 and by inserting in lieu thereof the following:

"Sec. 3. This Act shall be effective March 1, 1957."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 187 CHAPTER 218

AN ACT TO AUTHORIZE THE TRANSFER OF CERTAIN UNAPPROPRIATED BOND PREMIUM FUNDS TO THE GENERAL FUND OF THE STATE.

WHEREAS, there are unappropriated and unexpended sums in certain permanent improvement funds which should be transferred to the General Fund of the State: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Director of the Budget is hereby authorized to transfer the sum of two thousand two hundred eighty-five dollars and fifty-seven cents ($2,285.57) in the Permanent Improvement Fund of 1927-1929 to the General Fund of the State.

Sec. 2. The Director of the Budget is hereby authorized to transfer the sum of twenty-one thousand seven hundred twenty-four dollars and fifty cents ($21,724.50) in the Permanent Improvement Fund of 1938 to the General Fund of the State.

Sec. 3. The Director of the Budget is hereby authorized to transfer the sum of seventy-three dollars and sixty-one cents ($73.61) in the Permanent Improvement Fund of 1937 to the General Fund of the State.

Sec. 4. The Director of the Budget is hereby authorized to transfer the sum of seven hundred eighty-six dollars ($786.00) in the Permanent Improvement Fund of 1941 to the General Fund of the State.

Sec. 5. The Director of the Budget is hereby authorized to transfer the sum of three thousand two hundred seventy-four dollars and ninety-four cents ($3,274.94) now in the fund for the acquisition of certain rights-of-way for an inland waterway from the Cape Fear River at Southport to the North Carolina-South Carolina line to the General Fund of the State.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 253 CHAPTER 219

AN ACT TO FIX CERTAIN FEES OF THE REGISTER OF DEEDS OF WASHINGTON COUNTY FOR RECORDING MAPS AND CHATTEL MORTGAGES AND TO ALSO FIX THE PROBATE FEE OF THE CLERK OF THE SUPERIOR COURT OF WASHINGTON COUNTY FOR CHATTEL MORTGAGES.

The General Assembly of North Carolina do enact:

Section 1. That the fees of the Register of Deeds of Washington County for the official services hereinafter designated shall be the following:

For a photostatic copy of a map which is officially registered or placed in the map book of the Register of Deeds' office, a fee of four dollars ($4.00);

For a map to be recorded in the deed book, a fee of one dollar ($1.00);

For the registration of a regular North Carolina form of chattel mortgage, a fee of seventy-five cents (75c).

Sec. 2. The Clerk of the Superior Court of Washington County shall charge, collect and receive a probate fee for the probate of a regular form of a North Carolina chattel mortgage in the sum of twenty-five cents (25c).

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 262 **CHAPTER 220**

AN ACT FIXING FEES TO BE CHARGED AND COLLECTED BY THE REGISTER OF DEEDS OF PERSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Effective on the first day of the next month after the ratification of this Act, the fees to be charged and collected by the Register of Deeds of Person County, North Carolina, for recording each item shall be as hereinafter set out: Provided, however, the fees to be charged by the Register of Deeds of said County for any item shall be that provided by the General Statutes of North Carolina if no fee for such item is fixed by this Act.

(1) Regular form warranty, timber and quitclaim deeds, two dollars ($2.00).

(2) Irregular deeds and all other items not herein specifically mentioned, one dollar ($1.00) and twenty cents (20c) per hundred (100) words or fraction thereof in excess of three hundred (300) words.

(3) Regular form mortgage deeds, two dollars and fifty cents ($2.50).

(4) Regular form deeds of trust, two dollars and fifty cents ($2.50).

(5) Federal Land Bank and F.H.A. deeds of trust (regular), five dollars ($5.00).

(6) Veterans Administration deeds of trust, five dollars ($5.00).

(7) Deeds of trust of life insurance companies, five dollars ($5.00).

(8) Deeds of trust of building and loan associations, three dollars and fifty cents ($3.50).

(9) Copies of deeds of trust and other instruments, one dollar and twenty-five cents ($1.25) each for three (3) copy sheets; fifteen cents (15c) for each additional sheet or fraction thereof.

(10) Regular form chattel mortgages, seventy-five cents (75c).

(11) Farmers Home Administration crop liens, one dollar and fifty cents ($1.50).

(12) PCA and four county ACC liens, one dollar ($1.00).

(13) Regular form agricultural liens, one dollar ($1.00).

(14) Regular form conditional sale contracts, one dollar and twenty-five cents ($1.25).

(15) Deeds for easement right-of-way (regular), one dollar and ten cents ($1.10).

(16) Certified copy of birth certificate, fifty cents (50c).

(17) Certified copy of marriage certificate, fifty cents (50c).

(18) Issuing marriage license, five dollars ($5.00).

(19) Map, one dollar and fifty cents ($1.50) for each page or fraction thereof.

(20) Service Discharge, ($.00).

(21) Certified copy of Service Discharge, ($.00).

(22) Certified copy of death certificate, fifty cents (50c).

Sec. 2. The Register of Deeds is authorized to collect all fees payable to that office in advance.

Sec. 3. All fees collected by the Register of Deeds shall be accounted for and paid over to the General Fund of the County on the first day of the next succeeding month after their collection.

Sec. 4. This Act shall apply only to Person County.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall become effective on the first day of the next month after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 279 CHAPTER 221

AN ACT AMENDING CHAPTER 427 PUBLIC-LOCAL LAWS OF 1927 AND FIXING THE COMPENSATION OF MEMBERS OF THE COUNTY BOARD OF EDUCATION OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the last sentence of Section 1 of Chapter 427 of the 1927 Public-Local Laws of North Carolina be stricken, and in its place there be substituted the following:

"The members of the Board of Education of Guilford County shall each receive as compensation for their services ten dollars ($10.00) per day and mileage when attending meetings of the board and when performing duties imposed upon them by the authority of the board."

Sec. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 335 CHAPTER 222

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF RALEIGH TO SELL PROPERTY HELD FOR GOVERNMENTAL PURPOSES, TO WIT, ITS PRESENT CITY HALL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the City of Raleigh is authorized to sell and convey, at such time as it may deem proper and in the manner provided by its charter (Session Laws of 1949, Chapter 1184) for the sale of other real property owned by it, that property on which is located the present City Hall of the City of Raleigh, described as follows:

BEGINNING at the northeast corner of Davie and Fayetteville Streets, said corner being 33 feet North of the technical center line of Davie Street and 49.5 feet East of the technical center line of Fayetteville Street, running thence in a northerly direction along the eastern

right of way of Fayetteville Street a distance of 74.8 feet to a point; thence in an easterly direction a distance of 70.0 feet to a point; thence in a northerly direction a distance of 54.5 feet to a point; thence in an easterly direction a distance of 139.9 feet to a point in the western right of way of Wilmington Street; thence in a southerly direction along the western right of way of Wilmington Street a distance of 129.1 feet to the northwest corner of Davie and Wilmington Streets, said corner being 33 feet North of the technical center line of Davie Street and 33 feet West of the technical center line of Wilmington Street; thence in a westerly direction along the northern right of way of Davie Street a distance of 210.0 feet to the point of beginning.

Sec. 2. That in the event of the sale of said property, the proceeds of sale shall be held and applied exclusively to the cost of construction of a new City Hall for the City of Raleigh, including the cost of land and equipment.

Sec. 3. That Section 9 of Chapter 80 of the 1931 Private Laws of North Carolina and Chapter 746 of Session Laws of 1951 of North Carolina are hereby repealed.

Sec. 4. That all laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 336 CHAPTER 223

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GRANVILLE COUNTY TO MAKE APPROPRIATIONS FOR BUILDING WATER LINES FROM THE CORPORATE LIMITS OF MUNICIPALITIES THEREIN TO UNINCORPORATED COMMUNITIES OR LOCATIONS WITHIN THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Granville County is authorized and empowered to appropriate, make available and spend from any surplus funds or any funds not derived from tax sources which are available to said board to be used in such amounts, in the discretion of said board, for the purpose of building water and sewer lines from the corporate limits of any municipality in said county to communities or locations outside the corporate limits of any municipality therein. Said water lines shall be built and constructed for the purposes of public health and to promote the public health in communities and locations in Granville County where large groups of employees live in and around factories and mills and where said water and sewerage is necessary to promote industrial purposes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 337 CHAPTER 224

AN ACT REWRTING SECTION 3, CHAPTER 39, SESSION LAWS OF 1951, RELATING TO THE COMPENSATION OF SPECIAL DEPUTY SHERIFFS OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 3 of Chapter 39, Session Laws of 1951, be and the same is hereby rewritten to read as follows:

"Sec. 3. The Commissioners of Watauga County are authorized to appropriate annually from the general fund of the county not more than eighteen hundred dollars ($1800.00) for the employment of special deputy sheriffs to be selected and commissioned by the Sheriff of Watauga County."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 349 CHAPTER 225

AN ACT TO AMEND CHAPTER 486 OF THE SESSION LAWS OF 1943 SO AS TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS OF COLUMBUS COUNTY AND THE GOVERNING BODIES OF ALL TOWNS AND MUNICIPALITIES IN COLUMBUS COUNTY ARE AUTHORIZED AND EMPOWERED TO ADJUST TAXES IN ARREARS FOR THE YEAR 1942 AND ALL YEARS PRIOR THERETO.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 486 of the Session Laws of 1943 is hereby stricken out and rewritten to read as follows:

"Sec. 2. Section 1 of Chapter 305 of the Public-Local Laws of one thousand nine hundred and thirty-five is further amended by striking out the word 'thirty-two', in line 5 of said Section and inserting in lieu thereof the word 'forty-two'."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 381 CHAPTER 226

AN ACT AMENDING G. S. 130-21 RELATING TO THE COMPENSATION OF MEMBERS OF THE COUNTY BOARD OF HEALTH OF NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 130-21, as the same appears in Volume 3B of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Provided that the members of the County Board of Health of Nash County while on duty shall receive a per diem of ten dollars ($10.00)."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 409 CHAPTER 227

AN ACT AMENDING CERTAIN SECTIONS OF CHAPTER 280, PUBLIC-LOCAL LAWS OF 1917, RELATING TO THE RECORDER'S COURT OF MIDDLECREEK TOWNSHIP IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 5, Chapter 280, Public-Local Laws of 1917 be, and the same is, hereby amended to read as follows:

"Sec. 5. Said court shall have final original jurisdiction in all criminal cases arising within the territorial limits established for said court below the grade of a felony as now defined by law."

Sec. 2. Section 29, Chapter 280, Public-Local Laws of 1917 is amended by striking out the words "five hundred dollars" in lines 3 and 4 of said Section and inserting in lieu thereof the words and figures "twenty-five hundred dollars ($2500.00)" in each of said lines.

Sec. 3. The Judge of the Recorder's Court of Middlecreek Township shall receive as compensation for his services an amount of not less than fifteen hundred dollars ($1500.00) nor more than twenty-four hundred dollars ($2400.00) per year to be fixed by the Governing Board of the Town of Fuquay Springs.

Sec. 4. The Solicitor of the Recorder's Court of Middlecreek Township shall receive as compensation for his services an amount of not less than fifteen hundred dollars ($1500.00) nor more than twenty-four hundred dollars ($2400.00) per year to be fixed by the Governing Board of the Town of Fuquay Springs.

Sec. 5. A prosecuting attorney's fee of five dollars ($5.00) shall be taxed in the bill of costs in each case in said court where there is a conviction, a plea of guilty, or nolo contendere, except in those cases com-

ing within the jurisdiction of a justice of the peace. In those cases coming within the jurisdiction of a justice of the peace there shall be taxed a prosecuting attorney's fee of two dollars ($2.00). The fees prescribed in this Section shall be paid over into the general fund of the Town of Fuquay Springs.

Sec. 6. In any case where the judge or the solicitor is prevented from attending one or more sessions of said court the Mayor of the Town of Fuquay Springs is vested with the authority to appoint a vice recorder and an acting solicitor for the purpose of holding court during the absence of either the recorder or the solicitor. The vice recorder or acting solicitor shall, while serving in such capacity, receive the same salary as the regular judge or the regular solicitor. The regular judge or the regular solicitor, while absent, shall receive no compensation.

Sec. 7. The Judge of said Recorder's Court may in his discretion designate the clerk of said court or his assistant to settle minor traffic violations while the court is not in session.

Sec. 8. The bill of costs in the Recorder's Court of Middlecreek Township shall include the following:

Affidavit and warrant	$1.50
Town jail cost	1.50 per day
Turnkey fee	1.00
Issuing subpoena, each witness	.25
Committment, each	.50
Writing judgments	.50
Order for removal	.50
Capias and order	1.00
Sci Fa, each	1.00
Taking bond	.50
Mileage to transport prisoner from Fuquay to Wake County jail	.10 per mile
Jury trial	2.00
Serving subpoena, each	.50
Recorder fee	3.00
Solicitor	5.00
Where case is in jurisdiction of magistrate, Solicitor fee	2.00
Arrest fee	2.00
State tax	2.00
Pension fund	1.00
Witness fee where officer does not receive salary	.50
Jury fees	18.00

The cost in civil actions in said Recorder's Court shall be the same as taxed by the Superior Court of Wake County.

Sec. 9. All laws and clauses of laws, Public-Local, Special or Private, in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. B. 429 **CHAPTER 228**

AN ACT TO AUTHORIZE THE INSURANCE COMMISSIONER TO PAY TO ORGANIZED FIRE DEPARTMENTS, WHO HAVE OTHERWISE COMPLIED WITH THE LAW, THEIR SHARE OF THE FIREMEN'S RELIEF FUND WITHHELD FOR THE YEAR OF 1953 BECAUSE OF FAILURE TO FILE THE CERTIFICATE REQUIRED BY LAW OR BECAUSE SUCH CERTIFICATE WAS FILED AFTER THE 31ST OF OCTOBER, 1953.

The General Assembly of North Carolina do enact:

Section 1. G. S. 118-9 of Volume 3B is hereby amended by adding at the end of said Section a proviso which shall read as follows:

"Provided, that the Commissioner of Insurance is authorized and empowered to pay over to the local board of trustees of the Firemen's Relief Fund, for the benefit of the fire department of any city, town, village or other municipal corporation having an organized fire department, which has otherwise complied with the provisions of this Chapter, the proper allocation or share of the funds derived under the provisions of this Chapter for the year of 1953, and which funds up to this time have been withheld because the clerk of such city, town, village or other municipal corporation having an organized fire department failed to file the certificate required by this Section or failed to file same on or before October 31, 1953; the certificates filed subsequent to October 31, 1953, shall be deemed to have been filed in substantial compliance with this Section, and as to those organized fire departments which have not yet filed any certificate for 1953, the Insurance Commissioner may pay to such department its proper share of the funds derived under this Chapter upon the filing of such certificate for said year; all other requirements of this Chapter must have been complied with and this proviso applies only to the funds of the year 1953."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

S. B. 21 **CHAPTER 229**

AN ACT TO AMEND CHAPTER 1150 OF THE SESSION LAWS OF 1949 SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GRANVILLE COUNTY TO MAKE APPROPRIATIONS TO ANY ORGANIZED FIRE DEPARTMENT IN SAID COUNTY, AND TO LEVY TAXES FOR THE PAYMENT OF THE SAME.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1150 of the Session Laws of 1949 is rewritten to read as follows:

"Section 1. The Board of County Commissioners of Granville County is authorized and empowered, in its discretion, to appropriate funds to and for the benefit of any organized fire department in Granville County, and to levy annually taxes for the payment of the same as a special purpose, in addition to any other levies authorized by law."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

S. B. 65 CHAPTER 230

AN ACT TO EXEMPT FROM TAXATION THE REAL AND PERSONAL PROPERTY OF RURAL FIRE PROTECTION DISTRICTS AND BUILDINGS USED EXCLUSIVELY FOR COMMUNITY OR PUBLIC PURPOSES WITHOUT PROFIT.

The General Assembly of North Carolina do enact:

Section 1. Subsection (1) of Section 105-296 of the General Statutes is stricken out and the following substituted therefor:

"(1) Real property owned by the United States or this State, and real property owned by the State for the benefit of any general or special fund of the State, and real property lawfully owned and held by counties, cities, townships, rural fire protection districts, or school districts, used wholly and exclusively for public or school purposes. The repeal of the exemption of real property indirectly owned by Federal, State, or local governments shall be effective for the tax year 1943, and such property indirectly owned shall be placed upon the tax books for 1943 and subject to the tax rates levied on real estate in the year 1943."

Sec. 2. Section 105-297 of the General Statutes is amended by striking out subsection (1) thereof and by inserting the following therefor:

"(1) Personal property, directly or indirectly owned by this State and by the United States, and that lawfully owned and held by the counties, cities, towns, rural fire protection districts, and school districts of the State, used wholly and exclusively for county, city, town, fire protection district, or public school purposes."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

S. B. 108 CHAPTER 231

AN ACT TO PROHIBIT THE ERECTION OF MISLEADING HIGHWAY DIRECTION SIGNS ON PROPERTY ADJACENT TO ANY HIGHWAY RIGHT-OF-WAY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 136 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 136-32, to be designated G. S. 136-32.1, and to read as follows:

"G. S. 136-32.1. Misleading signs prohibited. No person shall erect or maintain within one hundred feet of any highway right-of-way any warning or direction sign or marker of the same shape, design, color and size of any official highway sign or marker erected under the provisions of G. S. 136-30 and G. S. 136-31, or otherwise so similar to an official sign or marker as to appear to be an official highway sign or marker. Any person who violates any of the provisions of this Section is guilty of a misdemeanor and shall be punished by a fine or imprisonment, or both, in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective May 1, 1955.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

S. B. 134 CHAPTER 232

AN ACT TO AMEND ARTICLE 8, SUBCHAPTER V, OF CHAPTER 1, OF THE GENERAL STATUTES, SO AS TO PROVIDE FOR SERVICE UPON RESIDENT DRIVERS OF MOTOR VEHICLES WHO DEPART FROM THE STATE SUBSEQUENT TO AN ACCIDENT OR COLLISION.

The General Assembly of North Carolina do enact:

Section 1. Article 8 of Subchapter V of Chapter 1 of the General Statutes is hereby amended by adding a new Section immediately after Section 1-105, to be designated as Section 1-105.1, and to read as follows:

"Section 1-105.1. Service of Summons on Residents Who Establish Residence Outside the State and on Residents Who Depart from the State. —The provisions of Section 1-105 of this Chapter shall also apply to a resident of the State at the time of the accident or collision who establishes residence outside the State subsequent to the accident or collision and to a resident of the State at the time of the accident or collision who departs from the State subsequent to the accident or collision and remains absent therefrom for sixty (60) days or more, continuously, whether such absence is intended to be temporary or permanent."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

S. B. 180 CHAPTER 233

AN ACT TO AMEND CHAPTER 91 OF THE PRIVATE LAWS OF 1885 SO AS TO PROVIDE THAT IN THE ELECTION OF THE COMMISSIONERS OF THE TOWN OF WARSAW THE VOTER IN ORDER TO HAVE HIS BALLOT COUNTED SHALL CAST A BALLOT FOR AS MANY AS FIVE COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 91 of the Private Laws of 1885 is hereby amended by adding a new Section immediately following Section 8 to be designated as Section 8½ and to read as follows:

"Section 8½. In the municipal election in the Town of Warsaw, in voting for commissioner, the voter shall cast a ballot for as many as five commissioners; otherwise such ballot shall not be counted."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

H. B. 51 CHAPTER 234

AN ACT TO AMEND SUBSECTION 43 OF G. S. 153-9 AS THE SAME APPEARS IN THE 1953 SUPPLEMENT TO VOLUME 3C OF THE GENERAL STATUTES SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY TO LEVY TAX FOR CERTAIN SPECIAL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Subsection 43 of G. S. 153-9 as the same appears in the 1953 Supplement to Volume 3C of the General Statutes is hereby amended by inserting a comma after the word "Rutherford" in the last line thereof and striking out the words "and Union" in the last line thereof and inserting in lieu thereof the words "Union and Warren".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

H. B. 67 **CHAPTER 235**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF RANDOLPH COUNTY TO ESTABLISH AND OPERATE GARBAGE COLLECTION AND DISPOSAL FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Randolph County is hereby empowered and authorized, but not directed, to establish and operate garbage collection and disposal facilities in areas where in its opinion the need for such facilities exists.

Sec. 2. The Board of County Commissioners of Randolph County is further authorized to establish and operate said facilities alone or to enter into contracts with any incorporated cities or towns within its borders for the joint operation of such facilities.

Sec. 3. For the purpose of carrying out the intent of this Act, said board is authorized to use any vacant lands owned by said county or to acquire suitable sites by purchase or condemnation, provided such lands and sites are approved by the Randolph County Health Officer, for health purposes only. In case it shall become necessary to acquire suitable sites by condemnation, the condemnation proceedings shall be as set out in Article 2 Chapter 40 of the General Statutes.

Sec. 4. The funds needed for financing the establishment and operation of said garbage collection and disposal facilities may be provided by appropriation from the county funds obtained from the levy of ad valorem taxes; however, the county shall be reimbursed for such costs from the funds obtained through fees and charges collected from the owners or occupants of the premises from which garbage and refuse are collected.

Sec. 5. The Board of County Commissioners of Randolph County, in addition to the power and authority hereinbefore conferred upon it, shall have the power and authority in its discretion to make contracts with one or more private persons, firms or corporations for the collection and disposal of garbage in Randolph County; and in the exercise of said power and authority to give said contractors the exclusive right to collect and dispose of garbage for compensation within a specified area; to take the necessary steps to prevent unauthorized garbage collectors from collecting and disposing of garbage within said area; to issue licenses to the garbage collectors and their employees; to regulate the fees of authorized garbage collectors, and to have general supervision of garbage collection and disposal outside of the incorporated cities and towns of Randolph County.

Sec. 5½. The proposed facilities, system, plans, methods and equipment for collecting, transporting and disposing of garbage, as herein authorized and provided, as well as the actual operation of same after establishment, shall be subject to the approval of the County Health Officer of Randolph County as to health, sanitation, and the prevention of nuisances and diseases only.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

H. B. 74 CHAPTER 236

AN ACT TO AMEND ARTICLE 26 OF CHAPTER 113 OF THE GENERAL STATUTES, CREATING MARINE FISHERIES COMPACT AND COMMISSION AND MAKING THE STATE COMMISSION SUBJECT TO THE PROVISIONS OF THE ADVISORY BUDGET ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-377.7 is hereby repealed and rewritten to read as follows:

"G. S. 113-377.7. The Atlantic States Marine Fisheries Commission of the State of North Carolina shall be subject to all the terms and provisions of the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes of North Carolina."

Sec. 2. G. S. 113-377.6 is hereby amended by striking out the word "Comptroller" as it appears in said Section and substituting therefor the word "Auditor."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force from and after its date of ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

H. B. 152 CHAPTER 237

AN ACT TO AMEND G. S. 108-30.1, G. S. 108-30.2, AND G. S. 108-30.3, THE OLD AGE ASSISTANCE LIEN LAW.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 108-30.1 be and the same is hereby amended as follows:

(a) By striking out the words "Any time" in the ninth line of the first paragraph of said Section and substituting therefor the word "Immediately".

(b) By inserting the words "in the county of residence of the recipient and" immediately following the word "court" on the twelfth line of the first paragraph of said Section.

(c) By striking out the words "one year" in the twenty-sixth line of said Section and substituting therefor the words "three years".

(d) By striking out the period at the end of the first paragraph of said Section, substituting therefor a "comma", and by adding the words

"or as a homesite by the recipient, or a dependent adult child of such recipient who is incapable of self-support because of total mental or physical disability: Provided, further, that the board of county commissioners and the county board of public welfare of the county in which the recipient resides, acting jointly and after investigation, shall have the authority to subordinate any lien created by this Section to a mortgage or lien created against the property of such recipient for the necessary repairs or improvements on said property, whether title to said property is held by the recipient alone or by the entirety with his or her spouse."

Sec. 2. That G. S. 108-30.2 be and the same is hereby amended by rewriting said Section to read as follows:

"Action to be taken upon termination of assistance. The county department of public welfare shall, within six months after the termination of an old age assistance grant by reason of death or otherwise, examine the case record of such recipient, the tax records of the county, and, in case of termination because of death, the records relating to executors, administrators, collectors, or other personal representatives. If it appears from this examination or from any other information which has come to the attention of the department, (a) that such recipient does not own, or has not owned since the date of the filing of the old age assistance lien against such recipient's realty, any real property, and (b) that such recipient does not own nor his estate consist of any personal property in excess of one hundred dollars ($100.00), and (c) in the case of termination because of death, that no executor, administrator, collector or other personal representative has been appointed, an entry shall be made in the case record reflecting the results of this examination. If it appears from this examination, from a subsequent examination, or from any other information which may come to the attention of the department, (a) that such recipient does own, or has owned since the date of the filing of the old age assistance lien against such recipient's realty, any real property, or (b) that such recipient does own or his estate consists of personal property of a value in excess of one hundred dollars ($100.00), or (c) in case of termination by death, that an executor, administrator, collector, or other personal representative has been appointed, then the department shall furnish to the county attorney all available information concerning the property of the recipient, the name of the spouse of the recipient, the township in which the recipient resides or resided, the race of the recipient, the total amount of old age assistance received by the recipient from and after October 1, 1951, by or through the State and the several counties thereof, and the reason for termination of the old age assistance grant. Upon receipt of this information, the county attorney shall take such steps as he may determine to be necessary to enforce the claim or lien herein provided.

The claim against the estate of a recipient herein provided for shall have equal priority in order of payment with the sixth class under Section 28-105 of the General Statutes: Provided, that no such claim shall be satisfied out of any real property in which the recipient had any legal or equitable interest so long as such property is occupied as a homesite

by the recipient, the surviving spouse, any minor dependent child of such recipient, or by a dependent adult child of such recipient who is incapable of self-support because of total mental or physical disability."

Sec. 3. That G. S. 108-30.3 be and the same is hereby amended as follows:

(a) By adding at the end of the second paragraph of said Section the following sentence: "Necessary costs of collection of any claim shall include all costs of services in the filing, processing, investigation, and collection of such claim."

(b) By striking out the third paragraph of said Section.

Sec. 4. This Act shall be in full force and effect from and after its ratification and shall apply to all liens heretofore established under the provisions of G. S. 108-30.1 including those on which no action has heretofore been instituted to enforce the same; provided, however, that no action may be instituted to foreclose such liens on property which has come into the hands of innocent purchasers or encumbrancers for value prior to the effective date of this Act.

Sec. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

H. B. 167 CHAPTER 238

AN ACT TO TRANSFER ADMINISTRATIVE AND EXECUTIVE POWERS AND DUTIES RESPECTING THE STATE PRISON SYSTEM FROM THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO THE DIRECTOR OF PRISONS; TO CHANGE THE METHOD OF APPOINTING AND REMOVING THE DIRECTOR OF PRISONS AND OTHER PRISON PERSONNEL; AND TO PROHIBIT PRISON SUPERVISORY PERSONNEL FROM ENGAGING IN CERTAIN POLITICAL ACTIVITIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 148-1 is hereby rewritten to read as follows: "G. S. 148-1. Director of Prisons and other prison personnel.—(a) The State Highway and Public Works Commission, with the approval of the Governor, shall appoint a Director of Prisons for a four-year term commencing one year from the first day of January of the year a regularly elected Governor takes office, except that the first appointment made under this law shall be for a term expiring 1 January 1958. The Commission may remove the Director, with the consent and approval of the Governor, at any time after notice and hearing for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office. In case of the death, resignation, or removal for cause of a Director of Prisons, his successor shall be appointed to fill out the unexpired term.

"(b) The administrative and executive powers and duties respecting the State prison system heretofore vested in and imposed upon the State

Highway and Public Works Commission are hereby transferred to the Director of Prisons, to be administered by him in accordance with controlling law under rules and regulations established by him with the approval of the Prison Advisory Council, the State Highway and Public Works Commission, and the Governor of North Carolina.

"(c) The Director of Prisons shall be responsible for the appointment, promotion, demotion, and discharge of other prison system personnel.

"(d) The salary of the Director of Prisons shall be set by the Governor subject to the approval of the Advisory Budget Commission. The compensation and duties of other prison system personnel shall be determined by the Director of Prisons in conformity with the provisions of the Executive Budget Act and the State Personnel Act.

"(e) Neither the Director of Prisons nor any other person employed in a supervisory capacity in the State prison system shall be permitted to use his position to influence elections or the political action of any person."

Sec. 2. G. S. 148-4 is hereby rewritten to read as follows: "G. S. 148-4. Control and custody of prisoners.—The Director of Prisons shall have control and custody of all prisoners serving sentence in the State prison system, and such prisoners shall be subject to all the rules and regulations legally adopted for the government thereof. Any sentence to imprisonment in any unit of the State prison system, or to jail to be assigned to work under the State Highway and Public Works Commission, shall be construed as a commitment, for such terms of imprisonment as the court may direct, to the custody of the Director of Prisons or his authorized representative, who shall designate the places of confinement within the State prison system where the sentences of all such persons shall be served. The authorized agents of the Director shall have all the authority of peace officers for the purpose of transferring prisoners from place to place in the State as their duties might require and for apprehending, arresting, and returning to prison escaped prisoners, and may be commissioned by the Governor, either generally or specially, as special officers for returning escaped prisoners or other fugitives from justice from outside the State, when such persons have been extradited or voluntarily surrendered."

Sec. 3. G. S. 148-5 is hereby rewritten to read as follows: "G. S. 148-5. Director to manage prison property.—The Director of Prisons shall manage and have charge of all the property and effects of the State prison system, and conduct all its affairs subject to the provisions of this Chapter and the rules and regulations legally adopted for the government thereof."

Sec. 4. G. S. 148-11 is hereby rewritten to read as follows: "G. S. 148-11. Authority to make regulations.—The Director of Prisons shall establish rules and regulations for the government of the State prison system, which shall become effective when approved by the Prison Advisory Council, the State Highway and Public Works Commission, and the Governor. The Director shall have such portion of these rules and regulations as pertain to enforcing discipline read to every prisoner when re-

ceived in the State prison system and a printed copy of these rules and regulations shall be made available to the prisoners."

Sec. 5. G. S. 148-12 is hereby rewritten to read as follows: "G. S. 148-12. Classification of prisoners.—The rules and regulations for the government of the State prison system shall provide for initial classification and periodic reclassification of prisoners, and for classification and conduct records to be kept on all prisoners held in the system."

Sec. 6. 148-13 is hereby rewritten to read as follows: "G. S. 148-13. Rules and regulations as to grades, allowance of time and privileges for good behavior, etc.—The rules and regulations for the government of the State prison system may contain provisions relating to grades of prisoners, rewards and privileges applicable to the several classifications of prisoners as an inducement to good conduct, allowances of time for good behavior, the amount of cash, clothing, etc., to be awarded prisoners after their discharge or parole."

Sec. 7. G. S. 148-36 is hereby rewritten to read as follows: "G. S. 148-36. Director of Prisons to control prison camps.—All prison camps established or acquired by the State Highway and Public Works Commission shall be under the administrative control and direction of the Director of Prisons, and operated under rules and regulations adopted and approved as provided in G. S. 148-11. Subject to such rules and regulations, the Director shall establish grades for prisoners according to conduct, and so far as possible introduce the honor system, and may transfer honor prisoners to honor camps. Prisoners may be transferred from one district camp to another, and the Director of Prisons may where it is deemed practical to do so establish separate camps for white prisoners and colored prisoners. In each district camp, quarters shall be provided for the care and maintenance of such prisoners as may be sick or in need of special care. For each camp, a physician may be employed for such portion of his time as may be necessary, and prisoners may be used as attendants or nurses. Prisoners classified as having special qualifications to perform labor other than labor upon the public roads may be assigned to such special duties as the Director may determine. Personnel for such camps shall be empolyed by the Director of Prisons as provided in G. S. 148-1."

Sec. 8. G. S. 148-40 is hereby amended by rewriting the first sentence to read as follows: "G. S. 148-40. Recapture of escaped prisoners.—The rules and regulations for the government of the State prison system may provide for the recapture of convicts that may escape, or any convicts that may have escaped from the State's prison or prison camps, or county road camps of this State, and the State Highway and Public Works Commission may pay to any person recapturing an escaped convict such reward or expense of recapture as the regulations may provide."

Sec. 9. In order that the Director of Prisons may have and exercise administrative and executive powers and duties respecting the State prison system heretofore conferred by law upon the State Highway and Public Works Commission, the words "Director of Prisons" or "Director" or "he" or "his" as the context may require shall be substituted for the words "State Highway and Public Works Commission" or "Commission" or "they"

or "its" in the following Statutes: G. S. 15-213, G. S. 15-215, G. S. 148-20, G. S. 148-22, G. S. 148-24, G. S. 148-25, G. S. 148-42, G. S. 148-49.1, G. S. 148-49.3, G. S. 148-49.4, G. S. 148-49.5, and in the first and second sentences of G. S. 148-41.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

H. B. 237 CHAPTER 239

AN ACT TO PROVIDE PLANNING AND ZONING IN CERTAIN AREAS OF GUILFORD COUNTY, ON PETITION OF A MAJORITY OF THE FREEHOLDERS.

The General Assembly of North Carolina do enact:

Section 1. PURPOSE OF THE ACT.

The purpose of this Act is to provide a method for the creation of planning and zoning districts in unincorporated areas of Guilford County for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants among said areas, including among other things, securing safety from fire, providing adequate light and air, water supply, drainage, sanitation, recreation and beautification to the end that said areas may be equally enjoyed by all of its inhabitants.

Sec. 2. PETITION.

Whenever an organization and establishment of a planning and zoning area is desired by a majority of the resident freeholders thereof, of any unincorporated rural district, territory, neighborhood or community in Guilford County, they shall signify such intention by presenting to the Guilford County Board of Commissioners a written petition verified by three (3) of the resident freeholders signing such petition and signed by a majority of the then resident freeholders, setting forth a legal description of the boundaries and a map thereof; said area shall have an assessed tax valuation in excess of two hundred thousand dollars ($200,000.00), seventy-five (75) or more residents and fifty (50) or more qualified voters.

Sec. 3. PROCEDURE.

The Chairman of the Guilford County Board of Commissioners upon the receipt of such petition shall thereupon make an order prescribing the time and place for the hearing of said petition before the Guilford County Board of Commissioners. At least thirty (30) days before the hearing notice of such hearing shall be published once a week for four weeks in a newspaper published in Guilford County giving notice thereof, and posted at the Court House. Such notice shall be signed by at least three of the resident freeholders signing the petition for the organization of the planning and zoning area.

Sec. 4. HEARING OF PETITION AND ORDER.

(a) Any resident of such area proposed to be created may appear at the hearing of such petition and the matter shall be tried as an issue of fact by the Guilford County Board of Commissioners, and no formal answer to the petition need be filed. The Guilford County Board of Commissioners may adjourn the hearing from time to time in its discretion.

(b) The Guilford County Board of Commissioners shall file its findings of fact at the close of such hearing, and if it shall appear that the allegations of the petition are true, and that the requirements of this Act have been substantially complied with, the board shall enter an order creating the planning and zoning area, to be designated as "The Planning and Zoning Area of.....Community", and such order shall be filed of record in the office of the Register of Deeds of Guilford County.

Sec. 5. AREA PLANNING AND ZONING COMMISSION.

Upon the recording of the order as provided in Section 4, the Guilford County Board of Commissioners shall appoint three resident freeholders of such area as planning and zoning commissioners, whose term of office shall be for a period of two (2) years and each two (2) years thereafter shall appoint three (3) commissioners. Upon a vacancy upon said commission, the Guilford County Board of Commissioners shall appoint a resident freeholder of such area for the unexpired term. The commissioners shall serve without compensation, provided however, the Treasurer of Guilford County is authorized and directed to reimburse and pay any necessary expenses incurred by said commission in the performance of its duties.

Sec. 6. ORGANIZATION OF THE PLANNING AND ZONING COMMISSION.

Upon their appointment and qualification of office the planning and zoning commission shall as soon as practical meet and elect one of its members as chairman and one of its members as secretary. The chairman shall preside over the meetings and the secretary shall record the minutes of the meeting of the commission and permanent records thereof shall be kept and be open to the public. Two members shall constitute a quorum.

Sec. 7. GRANT OF POWER.

For the purpose of promoting the health, safety, comfort and general welfare of the community, the planning and zoning commission of such area is hereby empowered to regulate and restrict the height, number of stories, size, type, use, number of buildings or other structures; sanitation, sewer and the use of water; the minimum depth and width, the percentage of lot or acreage that may be occupied, the size of yards, courts, open spaces, parks, playgrounds and the location and use of buildings, structures and land for trade, industry, residence or other purposes; the width and location of streets or roads; building lines relating to the distance from streets or roads and adjoining lots or property; the type, size and use of subdivisions within the area.

Planning and zoning regulations shall be adopted by the planning and zoning commission and a copy thereof filed in the office of the Register

of Deeds of Guilford County, and the same may be amended from time to time by said commission, and a copy of the amendments shall be filed in the office of the Register of Deeds of Guilford County.

That upon the adoption of the commission and the filing of the planning and zoning regulations in the office of the Register of Deeds of Guilford County, the same shall have full force and effect of law and the commission is hereby authorized to enforce the same by injunction or otherwise, and in addition, any person, association or corporation wilfully violating any of said planning and zoning regulations shall be guilty of a misdemeanor.

Sec. 8. PROCEDURE FOR BUILDING.

Any person, association or corporation desiring to build a structure of any kind or nature upon a lot or property in such area shall present to the commission plans, specifications and a map showing the location of such structure, for approval in accordance with the established planning and zoning regulations. That upon approval by the commission a permit shall be issued by the commission for the erection of such structure. That a fee of ten dollars ($10.00) shall be paid for such permit to the Treasurer of Guilford County.

Sec. 9. APPEAL FROM THE COMMISSION.

Any person, association or corporation upon being refused a permit by the commission, or has been discriminated against in the zoning of his or its property, may appeal therefrom to the Guilford County Board of Commissioners, who shall review the findings of the commission and shall have authority to alter, amend or rescind said order or zoning.

Sec. 10. In the event that any wording, phrase, clause, sentence or Section of this Act shall be declared unconstitutional, the remainder of said Act shall remain in full force and effect.

Sec. 11. Nothing in this Act shall apply to any area within one mile of the corporate limits of the cities of Greensboro and High Point.

Sec. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

H. B. 250 CHAPTER 240

AN ACT TO AUTHORIZE THE TOWN OF FOREST CITY TO ESTABLISH A SPECIAL RESERVE FUND.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Forest City is hereby authorized and empowered to establish, in addition to all other funds now authorized by law, a fund to be known as the "Special Reserve Fund".

Sec. 2. When the governing body elects to establish such a fund, it shall pass an ordinance creating the fund. Thereafter, the governing body may from year to year make appropriations in the General Fund for deposit to the Special Reserve Fund.

Sec. 3. In the ordinance creating the fund, the governing body shall designate some bank, banks or trust company as depository in which the appropriations to the Special Reserve Fund shall be deposited and earmarked for the use of such Special Reserve Fund. All such deposits shall be secured as provided by Chapter 159, Section 28 of the General Statutes of North Carolina. Pending their use for the purposes hereinafter provided, all or any portion of the monies in said fund may be invested in either bonds, notes, or certificates of indebtedness of the United States of America; or in bonds or notes of any agency or instrumentality of the United States of America the payment of principal and interest of which is guaranteed by the United States of America; or in bonds or notes of the State of North Carolina; or in bonds of any county, city, or town of North Carolina which have been approved by the Local Government Commission for the purpose of such investment; or in shares of any building and loan association organized and licensed under the laws of the State, or in shares of any Federal savings and loan association organized under the laws of the United States with its principal office in this State, to the extent that such investment is insured by Federal deposit insurance. The proceeds of the sale or realization of such investments and any interest resulting from such investments shall be deposited to the credit of the Special Reserve Fund.

Sec. 4. Withdrawals of all or any part of such fund may be made from time to time and applied to or expended for all or any portion of the cost of the following purposes which are hereby declared to be necessary expenses, and shall not be expended for any other purpose:

Construction, enlargement or extension of a sanitary sewer system, including a sewage disposal plant.

Sec. 5. Before any withdrawal is made, the governing body shall by resolution authorize such withdrawal. It shall specify the amount of such withdrawal, and the purpose for which such amount shall be spent. Any resolution authorizing withdrawal shall be adopted at a regular or special meeting of the governing body and shall then be published at least once in each of two successive weeks in some newspaper published in the municipality, and such resolution shall not become effective until thirty (30) days after the date of first publication: Provided, if no newspaper is published in the municipality, the notice shall be published in a newspaper with general circulation in the municipality. No right of action or defense founded upon the invalidity of such resolution shall be asserted, nor shall the validity thereof be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the date of first publication.

Sec. 6. In the event that an emergency arises which in the opinion of the governing body involves the health, safety or welfare of the inhabitants of the municipality, necessitating the immediate expenditures of all or any portion of such Special Reserve Fund for the purposes for which the fund is created, a withdrawal may be made from the fund by resolution of the governing body without publication as provided for in the preceding Section. Such resolution shall declare that an emergency exists

and set forth such facts as are necessary to show that such emergency does exist.

Sec. 7. It is the intent and purpose of this Act to authorize the accumulation of monies in the Special Reserve Fund sufficient to carry out the purposes for which the fund is created.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

H. B. 275 CHAPTER 241

AN ACT TO AMEND G. S. 1-97(2) TO PROVIDE THAT NO SERVICE OF SUMMONS NEED BE MADE ON A MINOR UNDER FOURTEEN YEARS OF AGE WHO HAS A GENERAL GUARDIAN.

The General Assembly of North Carolina do enact:

Section 1. Subsection 2 of G. S. 1-97 is hereby amended by changing the period at the end of said subsection to a semicolon and adding at the end thereof the following:

"Provided, that where service of summons is to be made upon a minor under the age of fourteen years who has a general guardian, it shall not be necessary for the summons to be delivered to the minor personally if summons is served upon his general guardian."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

H. B. 301 CHAPTER 242

AN ACT TO CREATE A CIVIL SERVICE COMMISSION FOR CERTAIN EMPLOYEES OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Creation; Appointment of members; Term of office. There is hereby created a Civil Service Commission for the County of Cumberland to consist of five members, each of whom shall be a resident and citizen of said county, and who shall be appointed within 10 days after the ratification of this Act as follows:

(1) One member shall be appointed for a term of 4 years by the resident Judge of the Superior Court;

(2) One member shall be appointed for a term of 4 years by the Board of Welfare of Cumberland County;

(3) One member shall be appointed for a term of 2 years by the Board of Education of Cumberland County;

(4) One member shall be appointed for a term of 2 years by the Board of Health of Cumberland County; and

(5) One member shall be appointed for a term of 2 years by the Cumberland County Ministerial Association.

Thereafter, at the expiration of their terms of office, members of the Commission shall be appointed for a term of 4 years by the authority by which the members, whose terms are expiring, were originally appointed. Appointments to fill vacancies for any unexpired term, whether such vacancies shall be caused by death, resignation, or disqualification, shall be made by the authority which appointed the member whose office has expired or vacated or been vacated; and the person appointed to fill such vacancy shall take office as soon as practicable after his appointment. Any member of the Commission shall be eligible to succeed himself. No official or employee of Cumberland County shall be eligible for appointment to membership on the Commission. Three members of the Commission shall constitute a quorum, and no appointment or action shall be taken without a quorum present.

Sec. 2. Qualification of members; Oath. The members of said Commission shall take and subscribe an oath of office to support the Constitution of the United States and the Constitution of the State of North Carolina, to obey all the laws not inconsistent therewith, to strive to secure and maintain an honest and efficient administration of the Civil Service Commission, free from partisan distinction and control, and otherwise to perform the duties as members of the Civil Service Commission, to the end that more efficient personnel be made available to Cumberland County. No member of the Commission shall be a candidate for any office of public trust.

Sec. 3. Organization of Commission. Within 10 days after their appointments, the members of the Commission shall meet and elect one of its members to act as chairman. The Commission shall elect one of its members to act as secretary. The secretary shall keep the minutes of the proceedings of the Commission and shall be custodian of all the records and papers pertaining to the business of the Commission. The secretary shall keep an accurate record of all examinations held and the results thereof, and shall perform such other duties as the Commission shall prescribe. All of the records of the Commission shall be open to inspection by the public at all times.

Sec. 4. Rules of procedure. The Commission may adopt rules of procedure in accordance with the provisions of this Act governing the conduct of its meetings. The chairman of the Commission shall have the right to vote upon any matter presented at any meeting.

Sec. 5. Employees subject to Act. This Act shall include and apply to all employees of Cumberland County which are hereby designated as classified service, except the following:

(1) Officials elected by vote of the people;

(2) Any employee of Cumberland County who receives any part of his or her salary either directly or indirectly from the State or Federal government;

(3) Attorneys representing or employed to advise or represent the county;

(4) Employees classified by the Commission as laborers.

Sec. 6. Use of public buildings by Commission. The Board of County Commissioners of Cumberland County shall provide suitable rooms for the Civil Service Commission and shall allow such reasonable use of public buildings for the holding of examinations by said Commission as may be necessary for a proper conduct of the affairs of said Commission.

Sec. 7. Compensation of members. Compensation of each member of the Civil Service Commission shall be one hundred fifty dollars ($150.00) per year, except that the compensation of the chairman shall be three hundred dollars ($300.00) per year and the compensation of the secretary shall be three hundred dollars ($300.00) per year.

Sec. 8. Adoption of rules; provisions of rules. The Civil Service Commission shall have power to make and amend rules with reference to the classified service of Cumberland County, which rules, among other things, shall provide:

(1) For the standardization and classification of all positions and employments in the classified service of the county. Such classifications into groups and subdivisions shall be based upon and graded according to the duties and responsibilities, and so arranged so as to promote the filling of the higher grades, so far as practicable through promotions.

(2) For examinations to ascertain the fitness of all applicants for appointment as employees of Cumberland County in such manner and at such time as it may determine.

(3) For the creation of eligibility lists upon which shall be entered the names of the successful applicants in the order of their standing in the competitive tests and without reference to the time of the tests.

(4) For the rejection of applicants or eligibles who do not satisfy reasonable requirements as to residence, age, sex, race, physical condition, and moral character, or who have attempted deception or fraud in connection with any examination or their application therefor.

(5) For the appointment, promotion, transfer, lay off, reinstatement, suspension and removal of employees in the classified service.

(6) For temporary employment without test, in the absence of an eligible list; but no such temporary employment shall continue after the establishment of a suitable eligible list nor for more than sixty days.

(7) For temporary employment for transitory work without test, but such employment shall require the consent of the Commission in each case, and shall not continue for more than sixty days nor be renewed.

(8) For noncompetitive tests, for appointment to positions designated as requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.

(9) For promotion based on competitive tests and upon records of efficiency, character, conduct and seniority.

(10) For transfer from a position to a similar position in the same class and grade.

(11) For immediate reinstatement at the head of the eligible list of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.

(12) For suspension for purpose of discipline, with or without pay, for not longer than ninety days, and for leave of absence with or without pay.

(13) For investigation and keeping a record of the efficiency of officers and employees in the classified service, and for requiring markings and reports relative thereto from appointing authorities.

All rules and regulations of the Commission shall be printed and made available for public inspection and for the use of the employees of, and the applicants for employment by Cumberland County.

Sec. 9. Creation of jobs by Commission. Nothing in this Act shall be construed to confer upon the Civil Service Commission the power to create any office, job, position, or employment except as herein provided.

Sec. 10. Examinations. All applicants for positions of employment by Cumberland County, except present employees, and except such positions as are excluded from the application of this Act, shall be subject to an examination by the Civil Service Commission, which examination shall be free to all persons possessing the right of suffrage and meeting the requirements of said Commission, including reasonable and proper limitations as to residence, age, sex, race, health, and moral character. The examinations shall be practicable in their character and shall relate to those matters tending fairly to test the capacity and qualifications of the applicant to discharge proficiently the duties of the position sought by the applicant, and shall include examinations as to physical and mental qualifications, as well as general fitness; but no applicant shall be examined concerning his or her political or religious opinions or affiliations. Before giving an examination, the Commission shall make inquiry of the heads of the respective departments of the county in connection with which departments such examination is to be given, with respect to the qualifications essential for the work in connection with which such examination is to be given, and upon such inquiry the heads of such departments shall give full information to the Commission. The Commission, in making or giving such examination, shall include questions designed to test the ability of the applicant with respect to the qualifications contained in such reports from the various department heads. The Civil Service Commission shall adopt such necessary and proper regulations relating to the morality, health, and character of all applicants for positions with Cumberland County as it deems expedient, to the end that all persons certified by the Civil Service Commission to the governing body of the county as eligible for employment shall be persons of good character, as well as possessing the necessary mental and physical qualifications.

Sec. 11. Application register. There shall be kept in the office of the Civil Service Commission an application register in which shall be en-

tered the names and addresses and the order and date of application of all applicants for Civil Service tests, and the office or employments which they seek. All applications shall be upon forms prescribed by the Commission.

Sec. 12. Notice of examinations; Register of eligibles; Procedure for making appointment. Notice of the time and place of every examination given by the Commission shall be given by daily publication for one week immediately preceding such examination in some newspaper of general circulation in Cumberland County. The notice shall set forth the number and kind of vacancies which are to be filled by the Commission. The Commission through its secretary shall prepare and keep as a permanent record of the Commission a register of all persons successfully passing examinations given by them, such persons to be arranged in their respective lists according to their respective showing upon said examinations. The names of such eligibles shall be arranged in classified lists according to the type of employment sought. The name of no person shall remain on the register for more than 2 years without a new application, and if the Commission's rules so require, a new examination, and the Civil Service Commission shall recommend appointments to any vacancies or newly created jobs on a basis of the grades made by the applicants upon the examination so given.

Sec. 13. Filling of vacancies by department heads. When any position in the classified service is to be filled, the officer or authority having power to fill such vacancy, whether by specific statutory authority or otherwise, shall request of the Civil Service Commission the certification of the name of the person eligible for appointment to such vacancy, and upon receipt of such request, the Civil Service Commission shall promptly certify to such officer the name and address of the highest eligible on the list for the class or grade to which such position belongs, with his respective grade as shown on the register of eligibles. The appointing authority shall appoint to such position the person whose name is so certified.

Sec. 14. Filling of vacancies by promotion. Whenever practicable, vacancies in the classified service shall be filled by promotion, and the rules shall indicate the lines of promotion from each lower to higher grade whenever experience derived in the lower grade tends to qualify for the higher. Any advancement in rank shall constitute promotion. Lists from which promotions are to be made shall be created as provided by the Civil Service rules and the appointment of eligibles therefrom shall be made in the same manner as original appointments. When there are less than two names on the promotion lists eligible for certification in any instance, then if the department head requests it, appointments to higher positions shall be made after competitive tests in which persons not in the service of the county may compete, as well as applicants for such positions from the lower grades of the service, or from other branches thereof. In such cases, appointment shall be made from the highest eligible, as in the case of other competitive tests.

Sec. 15. Maintenance of service register. There shall be maintained by the Civil Service Commission a list of all persons in the classified service showing in connection with each name the position held, the salary or wages paid, the date and character of appointment, and every subsequent change in status. Such list shall be known as the service register and every appointing officer or authority shall promptly transmit to the Civil Service Commission all information requested for the establishment and maintenance of such register.

Sec. 16. False statements by applicants. Any applicant for any office of employment governed by the provisions of this Act who shall knowingly make any false statement in connection with any test shall thereby forfeit his right to be entered upon the eligible register, and in case he has been appointed to an office of employment, he shall forfeit it and shall not within three years thereafter be eligible for appointment to any office or in the service of the county, nor shall he, during that time, be entitled to take any Civil Service examination.

Sec. 17. Payment of perpetuities by applicant; Recommendation or assistance from county employees. No applicant for Civil Service examination shall either directly or indirectly give, render or pay or promise to give, render or pay any money, service, or other thing of value to any person for or on account of or in connection with his examination, appointment, or proposed appointment, nor shall he ask for or receive any recommendation or assistance from any person in the service of the county other than a statement regarding any previous service to the county as a subordinate under such officer or employee, and a testimony as to his or her character.

Sec. 18. Probation period. Every person appointed or promoted to his office or position with Cumberland County as herein provided, shall be on probation for a period of six months before the appointment or promotion is made complete, during which period an appointed probationer may be discharged or a promoted probationer may be reduced to a lower grade of employment at the will of the department head in which department the probationer is employed. After such period of probation, no employee shall be reduced in rank, removed or discharged, except as provided in this Act.

Sec. 19. Suspension or removal of employees; Hearings; Final disposition of matter. Any employee of Cumberland County coming under the provisions of this Act may be laid off, suspended or removed from office or employment by the head of the department in which the employee is employed. Verbal or written notice of the lay off, suspension or removal given to such employee, or written notice mailed to his usual place of residence shall be sufficient to put any such lay off, suspension or removal into effect, unless the person so notified shall, within five days after such notice, demand the right to be heard before the Civil Service Commission. Upon such demand, the official of the county making the lay off, suspension or removal shall file with the secretary of the Civil Service Commission a written statement of the grounds for such lay off, suspension or removal, and the Commission shall fix a time and

place for a hearing of the charges, and such hearing must be held within ten days after such request. At such hearing the test shall be reduced to writing. Following the hearing and such investigation as the Civil Service Commission may see fit to make, the Commission shall report its findings and recommendations to the official responsibility for the lay off, suspension or removal, within thirty days after the date of such notice, and the findings and recommendations of the Commission shall be followed by said official. A copy of the written statement of the reasons given for any lay off, suspension or removal, and a copy of any written reply thereto by the officers or employees involved, together with the copy of the decision of the Commission shall be filed as a part of the records of the Civil Service Commission. No statement made in good faith by the department head making such lay off, suspension or removal shall constitute defamation of character or liable or serve as a basis for any action or proceeding alleging defamation of character or liable. In conducting hearings or investigations, the Commission shall have power to subpoena and require the attendance of witnesses.

Sec. 20. Annual report to County Commissioners. The Civil Service Commission shall make an annual report of its proceedings during the preceding year to the Board of County Commissioners of Cumberland County. This report shall also include the opinions of the Commission as to the practical effects of the rules, plan, and system in use, and the said annual report shall be kept in the office of the Commission and shall be open for public inspection.

Sec. 21. Payment of expenses of Commission. The Board of County Commissioners of Cumberland County shall pay all necessary expenses of the Civil Service Commission incident to its operations, such as to provide office equipment, office supplies, printing costs, advertising costs, compensation of commissioners and secretary, and all other necessary expenses, and the Board of County Commissioners shall provide sufficient funds therefor.

Sec. 22. Transfer of employees; Order of laying off employees. Transfer of employees may be made from one position to another in the same class in accordance with rules established by the Civil Service Commission. Whenever a reduction in employees is required because of a shortage of funds or work, or material change in duties or organization, employees may be laid off in an inverse order to length of service in the class, in accordance with the rules of the Civil Service Commission.

Sec. 23. Existing employees. All present employees of Cumberland County who receive no part of their pay either directly or indirectly from the State or Federal government shall be subject to all of the provisions of this Act, except that they shall not be required to stand the examination as provided in Section 10 of this Act, but such employees shall be entitled to retain their present position without examination. The names of all such present employees shall be included on the service register and list from which promotions are to be made, and when job openings occur or when promotions are to be made, the Commission shall give due consideration to present employees, taking into account experi-

ence, age, and years of service, irrespective of the fact that no examination has been given to such employees.

Sec. 24. Discrimination prohibited. No person in the county's service or seeking admission thereto, shall be appointed, reduced in pay, removed or demoted, or in any way favored or discriminated against because of political, religious or labor affiliations, or because of sex or marital status.

Sec. 25. Soliciting from employees for political purposes. No employee covered by the provisions of this Act shall be solicited to contribute funds or other gifts of value to any candidate or to any political party or political group or faction, or for any political purpose, and there shall be no assessment or attempted assessment, directly or indirectly, against such employees for the purpose of raising any campaign funds or for other political purposes. No officer or employee covered by this Act shall participate or take any part in any election, primary, or any political contest in any manner other than that of exercising his or her right as a citizen to vote, and any employee who shall violate this provision shall be dismissed from service of the county.

Sec. 26. Execution of resignation prohibited. No person about to be appointed to any position in the service of the county shall sign or execute a resignation dated or undated, in advance of such appointment. No person in the service of the county shall discharge, suspend, lay off, reduce in grade or in any manner change the official rank or compensation of any person in such service, or promise or threaten to do so, for withholding or neglecting to make any contribution of money or service or any valuable thing for any political purpose. No person in the administrative service of the county shall use his official authority to influence or coerce the political action of any person or body, or to interfere with any nomination or election to public office.

Sec. 27. Interference with right to take examination prohibited. Any person, who, by himself or with others, wilfully or corruptly deceives or obstructs any person in respect to his right to take part in any test for admission to the classified service of the county; or wilfully and corruptly marks, grades or reports upon the test or proper standing of any person tested for appointment in the classified service, or aids in so doing; or wilfully or corruptly makes any false representation as to the results of such tests or concerning persons so tested; or furnished special or secret information for the purpose of either improving or injuring the prospects or chances of a person tested or to be tested, or to be appointed, employed or promoted; or impersonates any person, or, permits or aids in any impersonation in connection with any test, application, registration or appointment or request to be tested or registered; or who makes known or assists in making known to any applicant for test, in advance thereof, any question to be asked on such test; or wilfully or through culpable negligence violates any of the provisions of this Act, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by fine of not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000.00), or by imprisonment for a term not exceeding six months. If any such person be an applicant for competitive test, he shall be excluded

therefrom; if he be an eligible, his name shall be removed from the register of eligibles; and if he be an officer or employee of the county, he shall immediately forfeit his office or employment.

Sec. 28. Emergency employment. In any case of emergency the Civil Service Commission may authorize the employment of as many employees as may be needed to meet the emergency.

Sec. 29. Control of finances by county. Nothing in this Act shall be construed as to deprive the governing body of Cumberland County of its control over the finances of the county.

Sec. 30. Violations of Act or rules of Commission. Any person who shall violate any of the provisions of this Act or of the rules of the Civil Service Commission promulgated in pursuance hereof, shall be guilty of a misdemeanor.

Sec. 31. Effect of partial invalidity of Act. In event any part, Section or subdivision of this Act shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Act, but the same shall be continued in full force and effect notwithstanding such holding.

Sec. 32. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 33. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

H. B. 403 CHAPTER 243

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS IN BEHALF OF THE MOORESVILLE GRADED SCHOOL DISTRICT AND FOR THE LEVY OF TAXES WITHIN THE DISTRICT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt of a petition filed by not less than ten percent (10%) of the qualified voters of the territory of the Mooresville Graded School District praying that bonds be issued under the provisions of this Act, the Board of Commissioners of the Town of Mooreville shall order a special election to be held in such school district for the purpose of voting upon the question of issuing bonds and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings and purchasing sites in such district, or for any one or more of said purposes. In all such elections, the Board of Commissioners of the Town of Mooresville shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon the filing with it of the election returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in some newspaper published in

such district. The notice shall state the date of the election, the place or places at which the election will be held, the maximum amount of bonds to be issued, the purpose or purposes for which the bonds are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district for the payment of the principal and interest of the bonds. The first publication of the notice shall be at least thirty (30) days before the election. A new registration of the qualified voters of such district shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published in the district at least thirty (30) days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be opened for registration of the voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballot or ballots, shall be in substantially the words: "For the issuance of $..... School Bonds and the levying of a sufficient tax for the payment thereof," and "Against the issuance of $..... School Bonds and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which square the voter may make a cross (x) mark.

Sec. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the board of town commissioners, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the board of town commissioners as aforesaid, and the other filed with the Trustees of the Mooresville Graded School District. The election officers shall incorporate in the returns not only the number of votes for and against the bonds, but also the number of voters registered and qualified to vote in the election, and the board of town commissioners shall include in their canvass not only the number of votes cast for and against the bonds, but also the number of voters registered and qualified to vote at the election. The board of town commissioners shall prepare a statement showing the number of votes cast for and against the bonds, and the number of voters registered and qualified to vote at the election, and declaring the results of the election, which statement shall be signed by the mayor of the town and attested by the town clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in said Mooresville School District.

Sec. 3. No right of action or defense founded upon the invalidity of such election shall be asserted, nor shall the validity of such election or the right or duty to levy a sufficient tax for the payment of the principal or interest of such bonds, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of results as provided in the preceding Section.

Sec. 4. If a majority of the qualified voters of such district shall vote in favor of the issuance of such bonds and the levy of such tax, then the board of town commissioners shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds, which bonds shall be issued in the name of the Mooresville Graded School District. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the said board of town commissioners may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. The bonds shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue, and ending not more than thirty (30) years after such date. No such installment shall be more than two and one-half (2½) times as great in amount as the smallest prior installment of the same bond issue. The bonds shall bear interest at a rate not exceeding six percent (6%) per annum, payable semi-annually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by the said town board. They shall be signed by the Chairman of the Board of Trustees of the Mooresville Graded School District, and the seal of said Trustees of the Mooresville Graded School District shall be affixed to or impressed upon each bond and attested by the Clerk of said Board of Trustees of the Mooresville Graded School District; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 5. The board of town commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district, sufficient to pay the principal and interest of the bonds as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district. The taxes provided for in this Section shall be collected by the tax collector of the Town of Mooreville and be applied solely to the payment of principal and interest of such bonds.

Sec. 6. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall

not supplant or repeal any existing powers for the issuance of bonds, or any provisions of law for the payment of bonds issued under such powers, or for the custody of monies provided for such payment.

Sec. 7. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and endorsement of such approval upon bonds and as to the sale of bonds and the disposition of the proceeds, shall be applicable to the bonds authorized by this Act. The proceeds shall be paid out only upon order of the Board of Trustees of the Mooresville Graded School District.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

H. B. 578 CHAPTER 244

AN ACT TO PROVIDE FOR THE FILLING OF VACANCIES IN OFFICE OF THE BOARD OF COUNTY COMMISSIONERS OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 153-6 of Volume 3C of the General Statutes by adding a proviso at the end of said Section, which shall read as follows:

"Provided, that, when a vacancy occurs in the membership of the Board of County Commissioners of Iredell County, the remaining members of the said Board of Commissioners of Iredell County shall fill said vacancy by appointing to said office some person for the unexpired term."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

S. B. 207 CHAPTER 245

AN ACT AUTHORIZING THE TRUSTEES OF THE ROCKY MOUNT ADMINISTRATIVE UNIT OF THE PUBLIC SCHOOL SYSTEM TO CONVEY CERTAIN REAL ESTATE TO THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION.

WHEREAS, the Trustees of the Rocky Mount Administrative Unit of the Public School System are the owners of the following described

tract of land located in the City of Rocky Mount, Edgecombe County, North Carolina, fronting on U. S. Highway #64, to-wit:

Beginning at an iron stake in the northerly right-of-way line of the State Highway and Public Works Commission, Project 1256 along North Raleigh Street, U. S. Route 64 in the City of Rocky Mount, North Carolina, said point being 40 feet from the center line of said project and at right angle thereto opposite survey station 1 + 54 and 24.4 feet easterly from the line dividing the property of the said Rocky Mount City Schools and I. Woodall Rose; thence North 14 degrees 13 minutes West 98 feet to an iron stake in the slope of bank to canal; thence along said canal south 75 degrees 35 minutes West 49 feet to an iron stake in the line dividing the property of the said Rocky Mount City Schools and W. H. Lancaster; thence along said dividing line South 22 degrees 51 minutes West 26.6 feet to an iron stake; thence along the line dividing the property of the said Rocky Mount City Schools and I. Woodall Rose South 78 degrees 13 minutes East 50.2 feet to an iron stake; thence continuing along said dividing line South 9 degrees 00 minutes East 52.6 feet to an iron stake in the said northerly right-of-way line; thence along said northerly right-of-way line North 82 degrees 28 minutes East 24.4 feet to the point of beginning, containing 3,446 square feet, more or less.

AND WHEREAS, said State Highway and Public Works Commission is now widening U. S. Highway 64 and is desirous of acquiring title to the above described lands for use in connection with the said project, and;

WHEREAS, the land is not needed for school purposes and the Trustees of the Rocky Mount Administrative Unit of the Public School System are of the opinion that the public interest will be best served by cooperating with the State Highway and Public Works Commission by conveying to it the said land: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Trustees of the Rocky Mount Administrative Unit of the Public School System be and they are hereby authorized, in the exercise of their discretion, to sell privately that certain tract of land fronting on U. S. Highway 64 described in the preamble hereof to the State Highway and Public Works Commission for a consideration to be agreed upon between the parties and they are hereby empowered to execute deed therefor conveying the said property in fee simple to the State Highway and Public Works Commission.

Sec. 2. Section 86 of Chapter 115 of the General Statutes of North Carolina to the extent that it conflicts with this Act is hereby repealed and all other laws or clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1955.

H. B. 78 CHAPTER 246

AN ACT TO AMEND G. S. 51-21, RELATING TO THE ISSUANCE OF DELAYED MARRIAGE CERTIFICATES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 51-21 is amended by inserting a new paragraph to be numbered (4), immediately after the paragraph numbered (3), which paragraph shall read as follows:

"(4) When proof as required by the three methods set forth in paragraphs (1), (2), and (3) above is not available with respect to any marriage alleged to have been performed prior to January 1, 1935, the register of deeds is authorized to accept the affidavit of any one of the persons named in paragraphs (1), (2), and (3) and in addition thereto such other proof in writing as he may deem sufficient to establish the marriage and any facts relating thereto."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1955.

H. B. 379 CHAPTER 247

AN ACT TO AUTHORIZE BOARDS OF COUNTY COMMISSIONERS TO DESIGNATE THE CLERK TO THE BOARD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-40 is hereby rewritten to read as follows:

"G. S. 153-40. Clerk to board; compensation.—The register of deeds shall be ex officio clerk of, and the compensation for his duties as clerk shall be fixed by, the board of commissioners: Provided, that the board of commissioners in its discretion may, at any time on or after the first Monday in December, one thousand nine hundred and fifty-six, designate some other county officer or employee as ex officio clerk of the board, to serve as clerk at the will of the board, and the compensation of such officer or employee for his duties as clerk shall be fixed by the board. Once a board of county commissioners designates as clerk of the board an officer or employee other than the register of deeds, it shall not thereafter be precluded from again exercising its discretion to designate some other officer or employee, including the register of deeds, as clerk of the board. The priviso appearing next above shall not apply to Alleghany, Avery, Dare, Davie, Caswell, Catawba, Guilford, Hyde, Jones, McDowell, Polk, Randolph, Richmond, Transylvania, Tyrrell, and Washington Counties."

Sec. 2. G. S. 161-23 is hereby rewritten to read as follows:

"G. S. 161-23. Clerk to board of commissioners.—The register of deeds, or such other county officer or employee as the board of county commis-

sioners shall designate in accordance with the provisions of G. S. 153-40, shall be ex officio clerk of the board of county commissioners, and as such shall perform the duties imposed by law or by order of said board."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed except local modifications heretofore enacted.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1955.

H. B. 386 CHAPTER 248

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF HAYWOOD COUNTY TO MAKE ADJUSTMENT OF THE BOUNDARY LINES OF THE CECIL SCHOOL PROPERTY IN CECIL TOWNSHIP, HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Education of Haywood County is hereby authorized and empowered to adjust and correct the boundary lines of the Cecil School Property in Cecil Township, Haywood County, North Carolina, with the adjoining property owner or owners by contract or deeds and to that end the said Board of Education is authorized and empowered to execute and deliver to the adjoining property owner or owners such conveyances or contracts as may be necessary to correct the property line and title to said school property and to receive in exchange therefor contracts or deeds from adjoining owners to correct the same, notwithstanding the provisions of General Statutes 115-86.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1955.

H. B. 397 CHAPTER 249

AN ACT TO AMEND G. S. 108-11 RELATING TO THE EFFECTIVE DATE OF APPOINTMENT OF COUNTY WELFARE BOARD MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 108-11 is hereby amended by rewriting the second paragraph of the Section to read as follows:

"Appointments of county welfare board members shall be made on or before the first day of July of the year in which the term of appointment expires, and shall be effective as of that date, and the terms of office shall be three years each. Appointments to fill vacancies shall be for the remainder of the term of office. Prior service on a county welfare board

shall not disqualify any person for service under this Article, but no member shall be eligible to serve more than two successive terms.

"The term of the third member of the county board of public welfare due to expire on the first day of April, one thousand nine hundred and fifty-five, is hereby extended through the thirtieth day of June of that year; the term of the member appointed by the county commissioners due to expire on the first day of April, one thousand nine hundred and fifty-six, is hereby extended through the thirtieth day of June of that year; and the term of the member appointed by the State Board of Public Welfare due to expire on the first day of April, one thousand nine hundred and fifty-seven, is hereby extended through the thirtieth day of June of that year."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1955.

H. B. 454 CHAPTER 250

AN ACT TO AMEND CHAPTER 107 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF 1935 TO SET UP THE PROPER DISTRICTS FOR THE ELECTION OF COUNTY COMMISSIONERS AS THE TOWNSHIPS ARE PRESENTLY CONSTITUTED IN PITT COUNTY AND TO CHANGE THE NAME OF STOKES TOWNSHIP TO CAROLINA TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. That the name of "Stokes" Township as presently constituted shall be, and it is hereby changed to "Carolina" Township.

Sec. 2. That Section 2 of Chapter 107 of the Public-Local Laws of North Carolina of 1935 be, and it is hereby amended and rewritten to read as follows: There shall be one Commissioner from District One; one Commissioner from District Two; one Commissioner from District Three; one Commissioner from District Four; and one Commissioner from District Five, and the said Districts shall comprise the following townships:

(a) District One shall be composed of Greenville Township.

(b) District Two shall be composed of Bethel, Belvoir, Pactolus and Carolina Townships.

(c) District Three shall be composed of Falkland, Fountain, Arthur and Farmville Townships.

(d) District Four shall be composed of Winterville, Chicod, and Grimesland Township.

(e) District Five shall be composed of Ayden, Swift Creek, and Grifton Townships.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1955.

H. B. 459 CHAPTER 251

AN ACT TO AMEND G. S. 14-129, RELATING TO THE TAKING OF WILD PLANTS FROM THE LAND OF ANOTHER IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-129 is amended by striking out in line 12 of said Section the word "Durham,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1955.

H. B. 473 CHAPTER 252

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF TYRRELL COUNTY TO APPROPRIATE NOT MORE THAN $1200.00 PER YEAR FROM THE NET PROFITS OF THE OPERATION OF ABC STORES TO THE BOARD OF EDUCATION OF SAID COUNTY TO SUPPLEMENT THE SALARIES OF TEACHERS OR IN FURTHERANCE OF THE ATHLETIC PROGRAM OF THE SCHOOLS OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Tyrrell County is hereby authorized and empowered to appropriate annually to the board of education of said county from the net proceeds received by the county from the operation of alcoholic control stores an amount not to exceed twelve hundred dollars ($1200.00). The amount so appropriated shall be used to supplement the salary or salaries of teachers in the county administrative school unit or in furtherance of the athletic program of the schools of said county in such manner and on such basis as may be determined by the county board of education and the county superinendent of schools.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1955.

H. B. 477 CHAPTER 253

AN ACT TO AUTHORIZE THE CITY OF BURLINGTON TO QUIT-CLAIM ITS RIGHT, TITLE AND INTEREST TO CERTAIN REAL PROPERTY SITUATED WITHIN THE CITY.

WHEREAS, on the 4th day of May, 1931 the City of Burlington conveyed to the Walter Ellis Post No. 63, American Legion, Department of North Carolina, five acres of land situated within the city; and

WHEREAS, the said conveyance contained certain conditions placed upon the use of said property; and

WHEREAS, on the 28th day of December, 1933 the Walter Ellis Post No. 63, American Legion, Department of North Carolina, reconveyed to the City of Burlington four acres of said land, which said deed is recorded in the office of the Register of Deeds for Alamance County in Book No. 107 at page 71; and

WHEREAS, it is the desire of the City of Burlington to quitclaim any right, title or interest which it may have in the one acre of land now owned by the American Legion Post referred to above, which said right, title or interest may have been attached to said one acre of land by virtue of the conditions set forth in the conveyance dated the 4th day of May, 1931; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The City of Burlington is authorized to sell at private sale to the Walter Ellis Post No. 63, American Legion, Department of North Carolina, all its right, title or interest in the one acre of land referred to above and described in the conveyance, dated the 28th day of December, 1933 and recorded in the office of the Register of Deeds of Alamance County in Book 107 at page 91.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1955.

H. B. 505 CHAPTER 254

AN ACT PROVIDING FOR THE ELECTION OF THE MEMBERS OF THE CHAPEL HILL CITY BOARD OF EDUCATION, FIXING THEIR TERMS OF OFFICE AND PROVIDING FOR FILLING VACANCIES IN SUCH OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the Chapel Hill Administrative School Unit shall be a board of education designated as "The Chapel Hill City Board of Education." Said board shall be a corporate body and in its corporate name may sue and be sued, contract and be contracted with, acquire by gift, purchase or devise, real and personal property, and exer-

cise such other rights and privileges as similar boards of education in the State of North Carolina may exercise.

Sec. 2. The present members of the Board of Trustees of the Chapel Hill Administrative School Unit shall continue in office and shall constitute the governing body of said Administrative School Unit until their present terms expire. The successors to the present board of trustees shall be elected by the people in the manner hereinafter provided in this Act. At the first election held under the provisions of this Act, the successors to the two members whose terms expire on June 30, 1955 shall be elected for a term of six years. Thereafter, the successors to the two members whose terms expire on June 30 of odd numbered years shall be elected for a term of six years, beginning on the 1st day of July following their election.

Sec. 3. The members of the Chapel Hill City Board of Education shall be elected biennially at the same time the municipal officers are chosen for the Town of Chapel Hill, such election to be conducted under the supervision of the County Board of Elections of Orange County. Said board of elections is hereby authorized to divide the Chapel Hill Administrative School Unit into election precincts if necessary and to perform all other functions essential to the calling and supervising the election of members of said board of education. The County Board of Elections is authorized to designate the registrar and judges of election of the Town of Chapel Hill as the registrar and judges of election for members of said board of education and to provide for a separate ballot for the election of the members of said board of education. The County Board of Elections is authorized to call for a registration of all eligible voters of Orange County living outside the town limits of Chapel Hill, but within the area of the Chapel Hill Administrative School Unit, for the purposes of said election, and to conduct within said area elections for membership on said board of education provided for in this Act. All persons eligible to vote for members of the governing body of the Town of Chapel Hill shall be eligible to vote for members of the Chapel Hill City Board of Education.

Sec. 4. All candidates for membership on the Chapel Hill City Board of Education shall be qualified electors of Orange County residing within the Chapel Hill Administrative School Unit.

Sec. 5. Vacancies occurring on said board of education by reason of death, resignation, or otherwise than by the expiration of the term of office, shall be filled by appointment of the remaining members of said board, said appointees to serve until June 30th following the next biennial election, at which time successors shall be elected to serve the remainder of the unexpired term.

Sec. 6. At the first regular meeting of said board of education, after the qualification of new members, said board shall organize by electing from among its membership a chairman who shall serve for a term of two years, and a treasurer who need not necessarily be a member of said board, and by adopting such by-laws as said board may deem necessary and proper.

Sec. 7. All laws and clauses of laws, including Chapter 2, Private Laws of 1909, inconsistent with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1955.

S. B. 79 CHAPTER 255

AN ACT TO AUTHORIZE THE GOVERNOR TO CONFER BREVET RANK UPON CERTAIN RETIRED OFFICERS AND ENLISTED MEN OF THE NORTH CAROLINA NATIONAL GUARD, AND TO CREATE THE NORTH CAROLINA DISTINGUISHED SERVICE MEDAL AND AUTHORIZE ITS AWARD TO CERTAIN CIVILIANS AND TO CERTAIN PERSONNEL OF THE NORTH CAROLINA NATIONAL GUARD.

The General Assembly of North Carolina do enact:

Section 1. The Governor is authorized to confer commissions by brevet in the North Carolina National Guard upon officers and enlisted men of the North Carolina National Guard who have been retired and who may hereafter be retired from any reserve component of the Army of the United States under the authority of Title III, Public Law 810, 80th Congress, 2nd Session, (Army and Air Force, Vitalization and Retirement Equalization Act of 1948), and who have satisfactorily served as an active member of the North Carolina National Guard for a period of ten years. The commissions by brevet shall be in grade as follows: A commissioned officer shall be commissioned by brevet in a grade one grade higher than the highest grade satisfactorily held by him while serving on active duty during any war, including service on active duty in the Korean conflict, or while serving actively as a Federally recognized officer of the North Carolina National Guard; a warrant officer shall be commissioned by brevet in the grade of captain or in the highest commissioned grade satisfactorily held by him while serving on active duty during any war, including service on active duty in the Korean conflict, or while serving actively as a Federally recognized member of the North Carolina National Guard; an enlisted man shall be commissioned by brevet in the grade of first lieutenant or in the highest commissioned grade satisfactorily held by him while serving on active duty during any war, including service on active duty in the Korean conflict, or while serving actively as a Federally recognized member of the North Carolina National Guard. No officer shall be commissioned by brevet in a grade higher than that of lieutenant general.

For the purpose of computing National Guard service within the meaning of this Act, such service shall include extended active duty in the armed forces of the United States by any officer, warrant officer, or enlisted man, who was a member of a Federally recognized unit of the North Carolina National Guard at the time of his induction into Federal service.

Sec. 2. There is hereby created the "North Carolina Distinguished Service Medal" which shall be of appropriate design, and a ribbon, together with a rosette or other device to be worn in lieu thereof. This medal and appurtenances thereto shall be of a design approved by the Governor. The Governor is authorized to present such medal, upon the recommendation of the Adjutant General of North Carolina and a board consisting of all active Federally recognized general officers of the North Carolina National Guard, to any member or former member of the North Carolina National Guard who has distinguished or who shall distinguish himself by exceptionally meritorious conduct in the performance of outstanding service to the North Carolina National Guard.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

S. B. 143 CHAPTER 256

AN ACT TO AMEND G. S. 1-299 RELATING TO APPEALS FROM JUSTICES OF THE PEACE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-299 is amended by adding at the end thereof the following:

"Whenever such appeal is docketed and is regularly set for trial, and the appellant, whether plaintiff or defendant, fails to appear and prosecute his appeal, the presiding judge may have the appellant called and the appeal dismissed; and in such case the judgment of the justice of the peace shall be affirmed."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

S. B. 145 CHAPTER 257

AN ACT AUTHORIZING THE CITY OF SALISBURY TO CONVEY CERTAIN REAL ESTATE TO ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the City of Salisbury be and it is hereby authorized and empowered to convey, in the discretion of its governing body, to Rowan County, for use as an airport site, a certain tract of land located in Locke Township, Rowan County, consisting of 158.50 acres, and being known as the Salisbury Municipal Airport. The said conveyance may be

made by said City with or without a consideration and without advertisement or competitive bidding.

Sec. 2. That all laws or clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 3. That this Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

S. B. 169 CHAPTER 258

AN ACT TO AMEND G. S. 65-20, G. S. 65-24 AND G. S. 65-36 SO AS TO IMPROVE THE QUALITY OF SUPERVISION OVER PERPETUAL CARE CEMETERIES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. General Statutes 65-24 is amended by striking out the words "four dollars" appearing on line 1 thereof and in lieu thereof inserting the words "five dollars".

Sec. 2. G. S. 65-36 is amended by striking out all after the word "Article" in line 4 and before the word "which" in line 5 and substituting therefor the following:

"The sum of twenty-five dollars ($25.00) plus an amount calculated in proportion to the number of grave spaces sold in the preceding year so that the total assessments on all cemeteries shall in the aggregate amount to three thousand dollars ($3,000.00) each year."

Sec. 3. G. S. 65-20 is amended by adding at the end thereof the following:

"The Burial Association Commissioner may levy and collect a penalty of twenty-five dollars ($25.00) for each day after thirty that reports called for in this Section are overdue. Penalties collected shall be paid into the administrative fund of the Burial Association Commissioner and used for the general purposes of his office."

Sec. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after June 30, 1955.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

S. B. 170 CHAPTER 259

AN ACT TO AMEND G. S. 58-228 AND G. S. 58-226 SO AS TO IMPROVE THE OPERATIONS OF THE NORTH CAROLINA BURIAL ASSOCIATION COMMISSIONER.

The General Assembly of North Carolina do enact:

Section 1. General Statutes 58-228 is hereby amended by striking out the words and figures "forty-two thousand five hundred dollars ($42,500.00)" where they appear in lines 5 and 6 of said Section and inserting

in lieu thereof the words and figures "fifty thousand dollars ($50,000.00)".

Sec. 2. Further amend General Statutes 58-228 by striking out in lines 8 and 9 the words and figures "twenty-five per cent (25%)" where they appear and inserting in lieu thereof the words and figures "thirty per cent (30%)".

Sec. 3. Amend General Statutes 58-226 (Article 4) striking out the words "twenty-five" appearing in the next to the last line thereof and by substituting in lieu thereof the word "thirty".

Sec. 4. Further amend G. S. 58-226 by striking out in said Section Article 13 in its entirety, and by substituting therefor the following:

"Article 13. All legitimate operating expenses of the association shall be paid out of the assessments, but in no case shall the entire expenses exceed thirty per cent (30%) of the total of the assessments collected and the net income carried upon investment of surplus funds in one calendar year. In the event the association fails to expend the thirty per cent (30%) allowed herein by the 31st day of December of any year, then the amount not used shall be placed in the surplus."

Sec. 5. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

S. B. 192 CHAPTER 260

AN ACT TO REPEAL CHAPTER 33 OF THE PUBLIC LAWS OF 1941 RELATING TO FEES TO BE ALLOWED COUNSEL ASSIGNED TO DEFENDANTS IN CAPITAL CASES IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 33 of the Public Laws of 1941 is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

S. B. 216 **CHAPTER 261**

AN ACT AMENDING G. S. 153-40 DESIGNATING THE COUNTY ACCOUNTANT OF MADISON COUNTY AS CLERK EX OFFICIO TO THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-40 be and the same is hereby amended by adding at the end thereof the following:

"Provided that in Madison County the county accountant shall act as ex officio clerk of the board of commissioners of said county."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after April 1, 1955.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

S. B. 221 **CHAPTER 262**

AN ACT TO PROVIDE AND CREATE A PENSION SYSTEM FOR MEMBERS OF THE WILMINGTON-CAPE FEAR PILOTS ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a pension system for members of the Wilmington-Cape Fear Pilots Association and for their widows in accordance with the provisions of this Act.

Sec. 2. (a) Any person receiving a pilot's license for the Cape Fear River and Bar issued by the Board of Commissioners of Navigation and Pilotage is eligible to be and become a member of the Wilmington-Cape Fear Pilots Association and to perform active duties of a pilot as a member of said association.

(b) The persons entitled to pension benefits under the provisions of this Act shall be confined to members who have actively served in said association as pilots as herein provided and their widows during widowhood.

(c) In computing the time of service of any member of said association, the time of such service shall begin as of the date of the license issued by the Board of Commissioners of Navigation and Pilotage and continue during the active service of such member, provided such licensed pilot promptly after the issuance of such license to him becomes a member of said Wilmington-Cape Fear Pilots Association and begins the performance of duties as an active pilot, and if such licensed pilot does not promptly become a member of said association and begin the performance of such duties, then his term of service shall be computed from the time he begins active service as a member of said association.

(d) Any active pilot and member of said association upon becoming physically or mentally incapacitated and thereby unable to perform

the duties of a pilot may, upon his written request, retire and thereafter become entitled to the pension benefits as hereinafter authorized and set forth; provided, however, that said association is hereby granted the right to have such member applying for retirement for incapacity as aforesaid, who at the time is under the age of sixty years, examined by a reputable physician and have submitted to it satisfactory evidence of such incapacity.

(e) Any active pilot and member of said association upon reaching the age of sixty years may, upon his written request, retire and receive the pension benefits to which he is entitled as hereinafter provided in this Act.

(f) Any active pilot member of said association after having served as an active pilot in said association for a period of twenty-five years or more may, upon his written request, retire, whether he be of the age of sixty years or not, and upon such retirement he may receive the pension benefits to which he is entitled as hereinafter provided in this Act.

(g) The net earnings of said association shall be computed and determined annually and the same shall be in the amount of the aggregate sum arising after the payment of the necessary operating expenses of said association. Each active pilot member of said association shall receive annually an equal share of said net earnings to be determined by dividing the number of active pilots into the sum of said net earnings, subject to providing for pension benefits as in this Act provided.

(h) No member of said association upon retirement shall receive thereafter pension benefits annually in excess of one-half share of the net earnings of said association computed as hereinbefore provided.

(i) Any pilot member of said association who retires or who is retired under the provisions of this Act shall receive pension benefits as follows: Twelve dollars ($12.00) per month for each year or fraction thereof of active service rendered before retirement for a period of the first five years of such active service, and such retired member shall receive the sum of six dollars ($6.00) per month for each succeeding year of active service or fraction thereof rendered; provided, however, that no individual pension authorized and granted by this Act shall ever exceed a sum equal to one-half share of the net earnings of said association as provided herein and computed under the provisions of this Act.

(j) The widow of any pilot retired as herein provided, so long as she remains his widow, or for life if she does not remarry, shall receive from the association the sum of thirty dollars ($30.00) per month.

Sec. 3. All laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

S. B. 230 **CHAPTER 263**

AN ACT TO PROVIDE FOR REGULAR AND OPEN MEETINGS OF THE BOARD OF ALDERMEN OF THE CITY OF STATESVILLE AND TO FIX THE COMPENSATION OF MEMBERS OF THE BOARD OF ALDERMEN OF SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any of the provisions of Chapter 243 of the Private Laws of 1911, as amended, it shall be the duty of the Board of Aldermen to meet at 7:30 P. M. on Monday night following their election, at the place where their predecessors met, and thereafter on the second and fourth Monday nights in each month at such hour and place as they may select, and continue in session until all business of the Board shall be disposed of. All legislative business of the Board shall be transacted in meetings, and shall be open to the public. Each alderman shall receive five dollars ($5.00) for every meeting attended by said alderman, and no more.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the 1st day of July, 1955.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

S. B. 232 **CHAPTER 264**

AN ACT TO AMEND CHAPTER 1160 OF THE SESSION LAWS OF 1953, RELATING TO THE FILING OF PAPERS IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT, APPLICABLE TO GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 1 of Chapter 1160 of the Session Laws of 1953 by inserting after the word "Perquimans," and before the word "Buncombe,", in the second line of said Section, the word "Graham".

Sec. 2. Amend Section 2 of Chapter 1160 of the Session Laws of 1953, by inserting after the word "Perquimans," and before the word "Buncombe," the word "Graham".

Sec. 3. That this Act shall apply to Graham County only.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

S. B. 246 **CHAPTER 265**

AN ACT AUTHORIZING THE GOVERNING BODY OF THE CITY OF CHERRYVILLE TO SELL THE PRESENT CITY HALL AND THE LOT ON WHICH SAID BUILDING IS NOW LOCATED.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Cherryville is hereby empowered and authorized to sell the present city hall of the City of Cherryville and the lot on which said building is located at public auction; said lot fronts on East Main Street. Sale may be made after thirty (30) days public notice, said notice being published in a newspaper once a week for at least four successive weeks in a newspaper qualified for legal advertising, published in the City of Cherryville, N. C. All other procedures of said sale shall be set forth by a resolution duly adopted by the governing body. The governing body of the City of Cherryville shall be authorized to execute any and all deeds, papers and documents necessary to effectuate said sale.

Sec. 2. That the funds derived from sale of city hall property, or such part thereof as may be necessary, in the discretion of the governing body, may be used to build or purchase and furnish and equip a new city hall. Any excess of funds so received may be allocated to the general fund to be used as the governing body deems best.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

H. B. 90 **CHAPTER 266**

AN ACT TO ESTABLISH A TIME LIMIT AS TO LIENS ON PEANUTS.

The General Assembly of North Carolina do enact:

Section 1. Article 12 of Chapter 44 entitled "Liens on Leaf Tobacco" is amended by changing the title to "Liens on Leaf Tobacco and Peanuts", and said Article is further amended by adding a new Section to be designated as G. S. 44-69.1 and to read as follows:

"Sec. 44-69.1. No chattel mortgage, agricultural lien or other lien of any nature upon peanuts shall be effective for any purpose for a longer period than 6 months from the date of sale by the liener. This Section shall not absolve any person from prosecution and punishment for crime."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

H. B. 257 CHAPTER 267

AN ACT TO AMEND ARTICLE 13 OF CHAPTER 106 OF VOLUME 3A OF THE GENERAL STATUTES, RELATING TO CANNED DOG FOODS.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 106-146 of Volume 3A of the General Statutes by striking out the words appearing in parentheses in lines five and six of said Section, the matter stricken out reading as follows:

"(provided, that all canned dog foods shall be in cans of one-half pound, or one pound, or multiples of one pound)."

Further amend said §106-146 of Volume 3A of the General Statutes by striking out the comma, appearing after the word "protein", in the second line from the bottom of said Section, and by inserting a period and by striking out all of the remaining words appearing in said lines one and two from the bottom of said Section which appear after the word "protein", the matter which is stricken out reading as follows:

"all three constituents to be determined by the methods in use at the time by the Association of Official Agricultural Chemists of the United States."

Sec. 2. Amend G. S. 106-152 of Volume 3A by changing the period after the word "article", appearing in the third line of said Section, to a comma, and by adding the following:

"and to prescribe methods of analysis, which methods shall conform to sound laboratory practices as evidenced by methods prescribed by the Association of Official Agricultural Chemists of the United States."

Sec. 3. Amend G. S. 106-156 of Volume 3A by inserting after the word "article" and before the word "shall", as the same appear in the third line of said Section, the following:

", or the rules and regulations issued thereunder,".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

H. B. 358 CHAPTER 268

AN ACT TO REWRITE ARTICLE 43 OF CHAPTER 106 OF THE GENERAL STATUTES PROVIDING FOR REPORTS ON CROPS HARVESTED BY MEANS OF COMBINES AND POWER THRESHERS.

The General Assembly of North Carolina do enact:

Section 1. Article 43 of Chapter 106 of the General Statutes is hereby rewritten to read as follows:

"(a) It shall be the duty of the Commissioner of Agriculture to collect reports from every person, firm, or corporation who shall engage in the harvesting of crops by means of combines or power threshers; and

it shall be the duty of every person, firm, or corporation engaging in the harvesting of crops by means of combines or power threshers to keep an accurate and complete record of the acreages harvested, and amounts threshed or combined for each farm, and to make reports on forms to be provided by the Commissioner of Agriculture showing acreages and amounts for the preceding season. For crops combined or threshed between January 1 and July 31 of each year the report shall be made not later than the first day of September of such year. For crops combined or threshed between August 1 and December 31 of each year the report shall be made not later than the first day of February of the next succeeding year.

"(b) It shall be the duty of every person, firm, or corporation who shall sell any combine or power thresher in this State to report to the Commissioner of Agriculture the name and address of the purchaser thereof. Every sale completed on or after the first day of September and prior to the first day of May of the following year shall be reported on or before the first day of June of that year, and every sale completed on or after the first day of May and prior to the first day of September of each year shall be reported on or before the first day of October of said year."

Sec. 2. Sections 106-490 through 106-495 of the General Statutes are hereby repealed, and the provisions of this Act are hereby designated as Article 43 of Chapter 106 of the General Statutes of North Carolina.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

H. B. 377 CHAPTER 269

AN ACT RELATING TO THE POWERS AND DUTIES OF THE NORTH CAROLINA STATE BOARD OF PUBLIC WELFARE.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 108-3 be and the same is hereby amended by adding a new paragraph at the end thereof as follows:

"17. To cooperate with the Federal Department of Health, Education and Welfare in the administration of Acts of Congress relating to child welfare and services related and pursuant thereto and to administer the funds provided by the Federal Government either as direct grants or as matching funds for child welfare purposes. The provision of Federal Acts relating to grants-in-aid to the State for child welfare purposes, and the benefits thereunder, are hereby accepted and adopted, and the provisions of this Section shall be liberally construed in relation to such Federal Acts, so that the intent to comply therewith shall be made effectual."

Sec. 2. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

H. B. 395 CHAPTER 270

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF UNION COUNTY TO COMPENSATE THE SUB-RECORDER OF UNION COUNTY RECORDER'S COURT FOR SERVICES RENDERED AND TO BE RENDERED HEREAFTER.

WHEREAS, in the year 1954, the office of sub-recorder was vacant; and

WHEREAS, for a considerable time during the year of 1954 the recorder of said recorder's court by reason of illness became incapacitated to perform the duties of his office and it became necessary that the County Commissioners of Union County appoint a sub-recorder pursuant to the Act creating said recorder's court as amended; and,

WHEREAS, J. Emmett Griffin was duly appointed, qualified and faithfully performed all of the duties imposed by law on the Judge of the Recorder's Court of Union County for a period of several weeks during that year; and,

WHEREAS, the compensation fixed by the local Act as amended creating the Recorder's Court for Union County was inadequate compensation for the services performed by the said J. Emmett Griffin, sub-recorder; and it is the desire of the Board of County Commissioners of Union County to pay proper compensation for such services rendered; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Union County be and they are hereby authorized and empowered to pay J. Emmett Griffin, Sub-Recorder of the Recorder's Court of Union County the per diem for holding said recorder's court during the year 1954, and hereafter to which the recorder would have been or shall be entitled for such services rendered if he had held said courts, to be appropriated and paid from the general fund of said county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

H. B. 404 CHAPTER 271

AN ACT TO AMEND G. S. 106-181 OF VOLUME 3A, RELATING TO THE USE OF DELETERIOUS SUBSTANCES IN SOFT DRINKS AND THE LABELING OF CONTAINERS FOR SOFT DRINKS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-181 of Volume 3A is hereby rewritten so that the same shall hereafter read as follows:

"§106-181. Use of Deleterious Substances Prohibited.—The use of soap bark or any other substance deleterious to health in soft drinks is prohibited."

Sec. 2. Article 16 of Chapter 106 of Volume 3A of the General Statutes is hereby amended by adding a new Section immediately after §106-181 and before §106-182, which said new Section shall be designated as §106-181.1, and which new Section shall read as follows:

"§106-181.1. Labeling.—The bottle or container in which a soft drink is sold must bear the name of the product and the name and address of the manufacturer or jobber."

Sec. 3. All laws and clauses of laws in conflict with the Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

H. B. 426 CHAPTER 272

AN ACT RELATING TO THE RECORDER'S COURT OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 39 of the Session Laws of 1953 is repealed.

Sec. 2. All cases pending and undisposed of in the Recorder's Court of Yancey County as of the 31st of December, 1954, are transferred to the Superior Court of said county for trial or other appropriate disposition.

Sec. 3. In all cases tried in the Recorder's Court of Yancey County on or prior to the 31st of December, 1954, in which the defendant was given a suspended sentence, the Judge presiding over the terms of the Superior Court of said county is vested with full jurisdiction, power and authority to put those sentences into force and effect upon a finding of a violation of any of the conditions set forth in any of the several judgments.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

H. B. 484 CHAPTER 273

AN ACT RELATING TO THE FILING AND RECORDING OF PAPERS BY THE CLERKS OF SUPERIOR COURT AND REGISTERS OF DEEDS OF SEVERAL COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. The Clerks of the Superior Court of the several counties to which this Act applies shall not accept for probate or recordation any papers or documents, with the exception of wills, executed after the effective date of this Act unless there shall appear on the cover page or in the body of said papers or documents, following the words "drawn by",

the signature or name of the person who drafted said papers or documents, or unless in some other manner the papers or documents shall clearly designate the draftsman of such document, and it shall be the duty of the Clerks of the Superior Court or the Register of Deeds of the several counties to which this Act applies, to record with such papers or documents the words "drawn by", and the signature or name of the person who drafted said papers or documents, or such other designation of the draftsman of such papers or documents: Provided, that papers or documents prepared in other counties of North Carolina or in other states or countries for probate or recordation in said county, or papers or documents prepared by any party to such papers or documents may be accepted for probate or recordation without such signature, name or other designation of the draftsman of such papers or documents.

Sec. 2. This Act shall apply only to Rutherford, Vance and Caldwell Counties.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

H. B. 608 CHAPTER 274

AN ACT RELATIVE TO THE ELECTION AND TERMS OF OFFICE OF THE MAYOR AND COMMISSIONERS OF THE CITY OF OXFORD.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any of the provisions of Chapter 449 of the Session Laws of 1949 or Chapter 478 of the Public-Local and Private Laws of 1937, the officers of the City of Oxford shall consist of a mayor and seven commissioners and the present mayor and commissioners shall continue to hold office until their successors are elected on the first Tuesday in May, 1955 and have qualified.

Sec. 2. At the election to be held in the City of Oxford on the first Tuesday after the first Monday in May, 1955, and biennially thereafter, there shall be elected a mayor who shall serve for a term of two years and until his successor is elected and qualified. The candidate for mayor receiving the highest number of votes shall be declared to be elected mayor. At said election there shall also be elected seven commissioners, the three candidates receiving the highest number of votes shall serve for a period of four years, and the four candidates receiving the next highest number of votes shall serve for terms of two years. Thereafter, at the biennial election for mayor, as the terms of the commissioners expire, the candidates for commissioner receiving the highest number of votes shall serve for terms of four years each and until their successors are elected and qualified. The election shall be conducted in accordance with the General Municipal Election Laws as prescribed by Article 3 of Chapter 160 of the General Statutes of North Carolina.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1955.

S. B. 188 CHAPTER 275

AN ACT TO AMEND CHAPTER 67 OF THE PUBLIC-LOCAL LAWS OF 1937 RELATING TO THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF ROANOKE RAPIDS AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 67 of the Public-Local Laws of 1937 is hereby amended by striking out the word "six" in line 3 of said Section and by inserting in lieu thereof the word "eight".

Sec. 2. (a) Section 5 of the Public-Local Laws of 1937 is hereby amended by striking out the word "two" in the second line of said Section and by inserting in lieu thereof the word "three".

(b) Section 5 of the Public-Local Laws of 1937 is hereby further amended by striking out the period after the word "described" in line 11 of said Section, by inserting a semicolon in lieu thereof, and by inserting the following after the inserted semicolon: "The new ward shall be comprised of all the territory of said city which was annexed pursuant to the provisions of Chapter 977 of the Session Laws of 1953."

Sec. 3. Section 6 of Chapter 67 of the Public-Local Laws of 1937 is hereby amended by striking out the word "six" in line 2 of said Section and by inserting in lieu thereof the word "eight".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1955.

S. B. 197 CHAPTER 276

AN ACT TO AMEND ARTICLE 1 OF CHAPTER 106 OF THE GENERAL STATUTES RELATING TO EXPERIMENT STATIONS AND TEST FARMS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-15 is amended by striking out in line two of said Section the word "Experiment" and inserting in lieu thereof the word "Research". Said Section is further amended by striking out in line three the word "test" and inserting in lieu thereof the word "research". Said

Section is further amended by striking out in line four the word "experiment" and inserting in lieu thereof the word "research".

Sec. 2. G. S. 106-16, G. S. 106-17 and G. S. 106-18 are amended by striking out the word "test" wherever the same appears in said Sections and inserting in lieu thereof the word "research".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1955.

S. B. 247 CHAPTER 277

AN ACT TO REGULATE THE OPERATION OF MOTORBOATS AND OTHER CRAFT ON THE WATERS OF CATAWBA LAKE BETWEEN MECKLENBURG AND GASTON COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. When used in this Act, the word "motorboat" includes crafts, temporarily or permanently equipped with detachable motors, commonly known as "outboard" motorboats.

Sec. 2. Every motorboat and every rowboat, canoe, sailboat, or other craft, whether mechanically or hand propelled, while being operated on the waters of Catawba Lake, between Mecklenburg and Gaston Counties, shall carry for every person aboard such boat or craft a life preserver, life belt, or buoyant cushion.

Sec. 3. The following rules for the operation of boats on Catawba Lake, between Mecklenburg and Gaston Counties, are hereby established:

a. Every person operating a boat shall at all times operate the same in a careful and prudent manner and at such a rate of speed as not to endanger the property of another or the life or limb of any person.

b. No motorboat shall be operated in a reckless manner. Reckless operation shall include operating a motorboat in a manner which unnecessarily interferes with the free and proper use of the waters of said lake, or unnecessarily endangers other craft therein, or the life or limb of any person.

c. No boat shall be operated during the hours of darkness without an adequate light carried where it is plainly visible from all directions.

Sec. 4. Every motor operated for the propulsion of a boat on Catawba Lake, between Mecklenburg and Gaston Counties, must be equipped with a muffling device in good working order, sufficient to prevent excessive or unusual noise.

The provisions of this Section shall not apply to the operation of any motorboat between the hours of 8:00 o'clock A.M. and 7:30 o'clock P.M. on days when a race is held on Catawba Lake, between Mecklenburg and Gaston Counties, under the auspices of a racing commission, chamber of commerce, or any civic association sponsoring such race.

Sec. 5. Any person violating the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than fifty dollars ($50.00) or imprisonment for not more than thirty (30) days.

Sec. 6. It shall be the duty of the peace officers of Mecklenburg and Gaston Counties to enforce the provisions of this Act.

Sec. 7. Nothing in this Act shall be construed to interfere with or limit in any manner the construction, maintenance or operation by the owner or owners of the hydroelectric power development for which said Catawba Lake was created. The use or enjoyment of said Catawba Lake by any person, firm, or corporation for any purpose whatsoever other than by the owner or owners of said hydroelectric power development or of said Catawba Lake shall be deemed permissive, and no claim, right or demand of any kind whatsoever shall be asserted against the owner or owners of said hydroelectric power development of said Catawba Lake by reason of said use or enjoyment, irrespective of the length of time.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1955.

H. B. 205 CHAPTER 278

AN ACT TO AMEND CHAPTER 90 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO NARCOTIC PRESCRIPTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 90-93 is hereby amended by inserting immediately after the words "the written prescription" and before the words "of a", in line 3, the following, "or an oral prescription in pursuance to regulations promulgated by the United States Commissioner of Narcotics under Federal narcotic statutes", and by deleting the words "it is" immediately following the word "provided" and immediately before the word "properly", in line 3, and inserting in lieu thereof the following, "written prescriptions are".

Sec. 2. G. S. 90-94 is hereby amended by inserting immediately after the comma following the words "the written prescription" and before the word "administer", in line 3, the following, "or an oral prescription in pursuance to regulations promulgated by the United States Commissioner of Narcotics under Federal narcotic statutes", and by inserting immediately after the words "Such a" and immediately before the word "prescription", in line 4, the word "written".

Sec. 3. G. S. 90-95 is hereby amended by inserting immediately after the comma following the words "written prescription" and immediately before the word "administer", in line 2, the words "or an oral prescription in pursuance to regulations promulgated by the United States Commis-

sioner of Narcotics under Federal narcotic statutes", and by inserting immediately after the words "Such a" and immediately before the word "prescription", in line 4, the word "written".

Sec. 4. G. S. 90-97 is hereby amended by deleting the word "dihydrocodeine" immediately following the words "one-sixth grain of" and immediately before the words "or any of its salts", in line 6, and inserting in lieu thereof the word "dihydrocodeinone".

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1955.

H. B. 258 CHAPTER 279

AN ACT TO AMEND G. S. 14-256, G. S. 148-41, AND G. S. 148-45 RELATING TO THE OFFENSES OF PRISON BREACH AND ESCAPE OR ASSISTING ESCAPE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-256 is hereby rewritten to read as follows: "G. S. 14-256. Prison breach and escape from county or municipal confinement facilities or officers.—If any person shall break any prison, jail or lockup maintained by any county or municipality in North Carolina, being lawfully confined therein, or shall escape from the lawful custody of any superintendent, guard or officer of such prison, jail or lockup, he shall be guilty of a misdemeanor."

Sec. 2. G. S. 148-45 is hereby rewritten to read as follows: "G. S. 148-45. Escaping or assisting escape from the State prison system.—Any prisoner serving a sentence imposed upon conviction of a misdemeanor who escapes or attempts to escape from the State prison system shall for the first such offense be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not less than three months nor more than one year. Any prisoner serving a sentence imposed upon conviction of a felony who escapes or attempts to escape from the State prison system shall for the first such offense be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than six months nor more than two years. Any prisoner convicted of escaping or attempting to escape from the State prison system who at any time subsequent to such conviction escapes or attempts to escape therefrom shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than six months nor more than three years. Any prisoner who connives at, aids or assists other prisoners to escape or attempt to escape from the State prison system shall be guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned at the discretion of the court. Any term of imprisonment imposed hereunder shall commence at the termination of any and all sentences to be served in the State prison system under which the prisoner is held at the time

an offense defined by this Statute is committed by such prisoner. Any prisoner convicted of an escape or attempt to escape classified as a felony by this Statute shall immediately be classified and treated as a convicted felon even if such prisoner has time remaining to be served in the State prison system on a sentence or sentences imposed upon conviction of a misdemeanor or misdemeanors."

Sec. 3. G. S. 148-41 is hereby amended by striking out the second paragraph of the Section.

Sec. 4. The provisions of this Act shall be construed to be mandatory rather than directive; but this Act does not apply to any offenses committed prior to the effective date thereof, and any such offense is punishable as provided by the Statute in force at the time such offense was committed.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1955.

H. B. 261 CHAPTER 280

AN ACT TO AMEND CHAPTER 1160 OF THE SESSION LAWS OF 1953 RELATING TO THE FILING OF PAPERS BY THE CLERK OF THE SUPERIOR COURT OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1160 of the Session Laws of 1953 is amended by inserting after the comma following the word "Catawba" and before the word "Perquimans" in line two of said Section the word "Johnston".

Sec. 2. Section 2 of Chapter 1160 of the Session Laws of 1953 is amended by inserting after the comma following the word "Catawba" and before the word "Perquimans" in line two of said Section the word "Johnston".

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1955.

H. B. 313 CHAPTER 281

AN ACT MAKING THE PROVISIONS OF CHAPTER 402, SESSION LAWS OF 1953, RELATING TO THE PEACE OFFICERS' RELIEF FUND FOR MARTIN AND WASHINGTON COUNTIES APPLICABLE TO TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 402 of the Session Laws of 1953 is hereby amended by adding a comma and the word "Tyrrell" immediately following the word "Martin" in line 2 of Section 1, in line 2 of Section 2, in lines 2 and

4 of Section 3, in lines 1, 9 and 12 of Section 7, in lines 2 and 3 of Section 8, in line 1 of Section 11, and in line 2 of Section 12.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1955.

H. B. 316 CHAPTER 282

AN ACT TO AMEND G. S. 7-186 AND G. S. 7-203 RELATING TO THE MUNICIPAL RECORDER'S COURT OF KERNERSVILLE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-186 is hereby amended by adding at the end thereof the following:

"Any Recorder's Court established under the provisions of this Article for the Town of Kernersville shall be presided over by a Recorder, who may be a licensed attorney at law, and who shall be of good moral character, and at the time of his appointment, a qualified elector of Forsyth County. The Recorder of the Recorder's Court of Kernersville shall be appointed by the governing body of the municipality and shall hold office for a term of one year beginning on July 1, following his appointment, and ending on June 30 of the next succeeding year. Before entering upon the duties of his office, the Recorder shall take and subscribe an oath of office, as is now provided by law for a Justice of the Peace, and shall file the same with the Clerk of the Town of Kernersville. The salary of the Recorder shall be fixed by the governing body of the Town of Kernersville and shall be paid out of the funds of the municipality: Provided, that the governing body of the Town of Kernersville is hereby authorized to provide a schedule of fees to be charged by said Recorder."

Sec. 2. G. S. 7-203 shall not apply to any Recorder's Court established in the City of Kernersville.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1955.

H. B. 430 CHAPTER 283

AN ACT TO REVISE THE CHARTER OF THE TOWN OF LOWELL, IN GASTON COUNTY, NORTH CAROLINA, THEREBY REPEALING CHAPTER 62, PRIVATE LAWS OF 1879; CHAPTER 166, PRIVATE LAWS OF 1889; CHAPTER 64, PRIVATE LAWS OF 1909; CHAPTER 212, PRIVATE LAWS OF 1927; CHAPTER 194, PRIVATE LAWS OF 1929.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the Town of Lowell, in the County

of Gaston, State of North Carolina shall continue to be and constitute a body politic and corporate within the boundaries as established in Section Three of this Charter or as hereafter established in the manner provided by law, may have and use a corporate seal, and shall have perpetual succession under the name and style of Town of Lowell and as such shall have all franchises, powers, property and rights of property, privileges and immunities which now belong to the Town of Lowell under this or any other name or names and shall be subject to all its present liabilities; and, under this name shall have, acting through its Board of Aldermen, among other things, power to make and provide for the execution of such ordinances for the Town of Lowell as they may deem proper not inconsistent with the laws of the land, and the Town of Lowell shall have in addition to the powers now or hereafter granted to municipalities under the General Law of the State of North Carolina, and is specifically granted, the following powers:

(1) Those prescribed by statute and those necessarily implied by law;

(2) To sue or be sued;

(3) To acquire and hold such estates for municipal purposes as may be devised, bequeathed, sold, leased, purchased or in any manner conveyed to it voluntarily or by condemnation, both within or without its corporate limits;

(4) To manage, invest, sell, lease or dispose of such estates, as shall be deemed advisable by the proper authorities of the Town of Lowell and in conformity with this Charter and the Law of North Carolina;

(5) To contract or be contracted with;

(6) To levy, assess and collect such taxes and special assessments as are authorized by law;

(7) To purchase, hire, construct, own, maintain and operate or lease local public utilities and to furnish local public services both within and without the Town of Lowell and to grant public utility franchises and to regulate the exercise thereof;

(8) To condemn land required for any governmental purpose both within and without the corporate limits, and in such excess as may be required to protect or preserve same, under the same procedure as now or hereafter provided in Chapter 40, Eminent Domain, Article 2, General Statutes of North Carolina;

(9) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenues thereof, or of both, including the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility;

(10) To adopt and enforce within its corporate limits and within one mile thereof police, sanitary and other police power regulations not inconsistent with the General Statutes of North Carolina and all amendments thereto;

(11) To borrow money within the limits prescribed by law;

(12) To appropriate the money of the town for all lawful purposes;

(13) To make and set the rates or charges for furnishing water or other local public utilities supplied by the Town of Lowell. Deposits may be required in connection with any installation or service, and the same shall not draw any interest;

(14) To provide for the payment of existing legal indebtedness and of any binding obligation that may be made from time to time by the town and to appropriate funds and levy taxes for that purpose;

(15) To pass ordinances for the due observance of Sunday and for maintenance of order in the vicinity of churches and schools;

(16) To own, establish, regulate or operate one or more cemeteries and to regulate the burying of the dead;

(17) To prescribe fines, forfeitures and penalties for the breach of any ordinance enforcing the powers granted in this Charter or by general law and to provide for recovery of such fines and forfeitures and costs of the enforcement of such penalties;

(18) To pass such ordinances as are expedient for maintaining peace, good government and the welfare of the town and the morals and happiness of its citizens, and for the performance of all municipal functions;

(19) To own, operate or maintain parks, hospitals, auditoriums, swimming pools, community centers, playgrounds, stadiums, athletic parks and fields and such other facilities for the benefit and welfare of its citizens;

(20) To require that all property owners provide adequate drainage facilities to the end that their premises be kept free of standing water and permit the natural flow of water thereon to be taken care of, and that in case of failure on the part of such owner or owners, to provide the same, after due notice, to go upon their premises and construct the necessary facilities and charge the cost thereof against said premises and be collected as in the case of taxes;

(21) To control, regulate or prohibit the licensing and operating of junkyards and auto wrecking companies in the Town of Lowell, provided, this subsection shall not permit, without due process of law, the prohibition of junkyards and auto wrecking companies licensed and operating at the date of the enactment of this Charter;

(22) To issue and sell bonds of the town for the purposes and according to the methods and under the restrictions prescribed by the Laws of the State of North Carolina for the issuance of bonds by municipalities, and to provide for the payment thereof as authorized or provided by such laws;

(23) To do and perform all other duties and powers authorized by law;

No liability shall accrue to the Town of Lowell for the failure of said town or its officers and employees to perform any duty or exercise any power above enumerated.

Except as otherwise provided in this Act, or the Laws of North Carolina, the Board of Aldermen shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 2. The enumeration of particular powers, rights, privileges, franchises and immunities by this Charter shall not be held or deemed to be exclusive; but in addition to the powers enumerated or implied therein, or appropriate to the exercise thereof, the town shall have and may exercise all other powers which under the Constitution and Law of North Carolina now or hereafter may be granted to municipalities. The powers herein granted are in addition to and not in substitution for existing powers or powers hereafter granted to municipal corporations under the Constitution and Law of North Carolina. Except as limited or restricted or prohibited by the Constitution of North Carolina or this Charter or the Law of North Carolina, the Town of Lowell shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Sec. 3. That the corporate limits of the Town of Lowell shall be as follows:

BEGINNING at a concrete marker located due North 5,280 feet (one mile) from a U. S. Geodetic marker, said U. S. Geodetic marker being a U. S. Geological Survey standard cap stamped: Sta. 769.808 Prim. Trav. No. 21 1912, said standard cap being riveted to and on top of a three and one-half (3½) inch iron pipe projecting about nine (9) inches above the ground about six (6) feet West of the West side of Main Street, Lowell, Gaston County, and about forty (40) feet North of the center line of the main track of the Southern Railway where said railway is crossed by Main Street, Town of Lowell, and running thence from the BEGINNING South 45 degrees 00 minutes East 7,466.66 feet to a concrete marker located due East 5,280 feet (one mile) from the U. S. Geodetic marker located and described above; running thence South 45 degrees 00 minutes West 7,466.66 feet to a concrete marker located due South 5,280 feet (one mile) from the U. S. Geodetic marker located and described above; running thence North 45 degrees 00 minutes West 7,466.66 feet to a concrete marker located due West 5,280 feet (one mile) from the U. S. Geodetic marker located and described above; and running thence North 45 degrees 00 minutes East 7,466.66 feet to the point of the BEGINNING and containing exactly two (2) square miles.

Sec. 4. Except as otherwise provided by this Charter all powers, the general management and control of the Town of Lowell shall be vested in a Board of Aldermen of five members and a Mayor elected by and from the qualified voters of the Town of Lowell in the manner hereinafter provided, who shall exercise their power or powers in conformity to the provisions of this Charter and the provisions of the general law with reference to the powers and privileges of municipalities wherein no provision has been made in this Charter with respect thereto. The terms of office for all elective officials shall be for two years and

until their successors are elected and qualified. Only qualified voters of the State of North Carolina and the Town of Lowell shall be eligible to hold such offices. A vacancy shall exist when an elective officer shall fail, without good cause, to qualify within sixty days after his election; shall die, resign, remove himself from the Town of Lowell; is convicted or submits to the charge of a felony; is judicially declared a lunatic or is removed for cause by a court of competent jurisdiction or by operation of law. Every such vacancy shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the Board of Aldermen in regular or special meeting.

Sec. 5. On the second Tuesday in June next following a regular municipal election the Board of Aldermen shall meet at its usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the Board of Aldermen shall fix suitable times for its regular meetings by resolution or ordinance and shall convene for at least one regular meeting each month. The Mayor, or in the absence of the Mayor, the mayor pro tempore, or a majority of the Board of Aldermen may at any time call a special session of the Board of Aldermen by causing written notices of such special meeting to be given to all members of the governing body at least six hours before such special meeting. Meetings may also be held at any time the Mayor and all members of the Board of Aldermen are present or consent thereto. A majority of the Board of Aldermen shall constitute a quorum. In determining whether a quorum is present the Mayor shall be counted as a member of the Board of Aldermen. All meetings shall be public and the Mayor, who shall be the official head of the town, shall preside, if present, but shall have no vote except in the case of a tie. A majority vote of the members present shall be sufficient to pass any motion, resolution or ordinance unless otherwise set out herein. In the absence of the Mayor, the mayor pro tempore, who shall be chosen at the first regular meeting following a regular municipal election by the new Board of Aldermen from its members, shall preside and shall vote when so presiding as herein provided for the Mayor, and in the absence of both a chairman pro tempore shall be chosen to preside at such meetings. The Town Clerk shall be clerk to the governing body and shall keep records of its meetings. The governing body may elect an assistant clerk who shall be sworn, as is the clerk, to the faithful discharge of his or her duties and may act as clerk to the governing body in the absence of the Town Clerk. The governing body shall sit with open doors at all of its legislative sessions, and shall keep a journal of its proceedings, which shall be a public record.

Sec. 6. The Board of Aldermen shall be the judge of the elections and qualifications of its members and the Mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the Board of Aldermen in any such case shall be subject to review by the courts. The Board of Aldermen shall determine its own rules and order of business.

Sec. 7. All ordinances, except ordinances making appropriations and

ordinances codifying or rearranging existing ordinances or enacting a code of ordinances shall be confined to one subject, and the subject, or subjects of all ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the aldermen. The enacting clause of all ordinances shall be: Be it ordained by the Town of Lowell. All ordinances and resolutions passed by the Board of Aldermen shall take effect at the time indicated therein.

Sec. 8. That upon its passage each ordinance or resolution shall be authenticated by the signature of the Mayor and the Town Clerk and shall be recorded in a journal kept for that purpose. Within 10 days after passage, a notice setting forth in brief the substance of each ordinance shall be published or posted at least once in such manner as the Board of Aldermen may prescribe; provided, however, that the provisions of this Section shall not apply to an ordinance authorizing bonds of the Town of Lowell under the provisions of the Municipal Finance Act, 1921, as amended, but such ordinance shall be published as required by Section 160-384 of the General Statutes.

Sec. 9. That for the purpose of electing a Mayor, the several aldermen and all other elective officers of the Town of Lowell, there shall be held in said town, on Tuesday after the first Monday in May, in odd numbered years, a regular municipal election. The Board of Aldermen may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special elections.

Sec. 10. That any qualified voter of the Town of Lowell who desires to become a candidate for the office of Mayor or town alderman shall file a notice of his candidacy, together with a filing fee of five dollars ($5.00), with the Town Clerk not less than thirty (30) days nor more than ninety (90) days before the general municipal election date. No person's name shall be placed upon the general municipal election ballot unless he has complied with the conditions herein set out. Each qualified elector who desires to become a candidate shall file with the Town Clerk a statement of such candidacy, in substantially the following form, which shall be furnished by the Town Clerk:

STATE OF NORTH CAROLINA NOTICE OF CANDIDACY
COUNTY OF GASTON

I,....., hereby certify that I reside at ..... Street, Town of Lowell, County of Gaston, State of North Carolina, and that I qualify in all respects as a candidate for municipal office in the Town of Lowell.

I hereby give notice that I am a candidate for election to the office of Mayor, Alderman (strike one) to be voted upon in the municipal election for the Town of Lowell, to be held on ..... the ..... day of ..... 19.....

I hereby request that my name be printed on the official ballot as a

candidate for the office of Mayor, Alderman (strike one).

.....(Signed)

.....(Date)

STATE OF NORTH CAROLINA
COUNTY OF GASTON

I, ..., a Notary Public, do hereby certify that ..... personally appeared before me this day and acknowledged the due execution of the foregoing "Notice of Candidacy" for elective office in the Town of Lowell.

Witness my hand and notarial seal, this ..... day of ....., A.D. 19.....

(Place N. P. Seal Here)

My commission expires.....(Seal)

Notary Public

This Notice of Candidacy for election to the office of Mayor, Alderman (strike one) of the Town of Lowell, together with the filing fee of five dollars ($5.00), were filed with the undersigned Town Clerk on this the ..... day of ....., 19.....

.....(Seal)

Town Clerk

Any candidate may withdraw his statement of candidacy not later than the last day for filing such statement but shall forfeit his filing fee, said filing fees to be applied to the expenses of the town.

The Town Clerk shall preserve the name and address of each candidate and each Notice of Candidacy until the expiration of the term of office to which the candidate aspired or was elected.

Sec. 11. That the full names of all candidates for Mayor or Board of Aldermen, except such as have withdrawn, died or became ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates for the Board of Aldermen. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in alphabetical order commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of the names of the candidates and by the others in regular alphabetical order.

Sec. 12. That all members of the Board of Aldermen and the Mayor shall be elected from the town at large. Every voter shall be entitled to vote for one candidate for Mayor and for as many candidates as there are members to be elected to the Board of Aldermen. All candidates up to the number to be elected to the municipal office or offices who receive the largest number of votes shall be declared elected, their terms of office to be in accordance with Section Four of this Charter. Each member of the Board of Aldermen and the Mayor shall receive a salary the amount of which shall be prescribed by ordinance. No ordinance fixing, increasing or decreasing the salary of the Mayor and Board of Aldermen shall become

effective during the current term of office of the members of the Board of Aldermen enacting such ordinance.

Sec. 13. That said election shall be conducted as far as possible in all things and in all details in accordance with the General Election Laws pertaining to municipal elections, now in force or hereafter enacted, unless otherwise provided by this Charter.

Sec. 14. That the Board of Alderman may appoint a Treasurer, a Tax Collector, an Accountant, a Town Attorney, a Chief of Police, a Fire Chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment: Provided, that the Board of Aldermen may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the Board of Aldermen. The Board of Aldermen shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 15. That the Board of Aldermen shall choose a Town Clerk. The Town Clerk shall keep the records of the Board of Aldermen and perform such other duties as may be required by law or the Board of Aldermen. The Town Clerk may hold one or more of the positions enumerated in Section Fourteen.

Sec. 16. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the Board of Aldermen may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than one thousand dollars ($1,000.00), shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinances.

Sec. 17. Any town improvement costing more than one thousand dollars ($1.000.00) shall be executed by contract except where such improvement is authorized by the Board of Aldermen to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than one thousand dollars ($1,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the Board of Aldermen shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the Board of Aldermen.

Sec. 18. That as soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the Board of Aldermen, who shall have no personal interest directly or indirectly in the financial affairs of the town government or its officers. The results of this audit shall be published immediately upon completion.

Sec. 19. That it shall be in the power of the Town of Lowell and the duty of the Board of Aldermen of the Town of Lowell, annually, to levy taxes that will raise sufficient funds for the operation and management of the affairs of the town, including the payment of all lawful indebtedness of the town, and shall levy and collect the same in accordance with

the provisions as now or may hereafter exist under the general laws of the State of North Carolina; and said town shall have the further powers to levy and collect such further taxes that have been or may be approved by a vote of the electorate, and in accordance with such authority with respect thereto as may now or hereafter be granted said town; provided, all polls and property taxable within the Town of Lowell shall be listed and valued and all property assessed as provided in the general laws of the State of North Carolina, and said Town of Lowell may levy and collect such privilege and license taxes as may be provided by law and the ordinances of the Town of Lowell.

Sec. 20. That no action for damages against said town of any character whatsoever, to either person or property, shall be instituted against said town unless within ninety (90) days after the happening or infliction of the injury complained of, the complainant, his attorney, agent, executor, or administrator shall give notice to the Board of Aldermen of such injury in writing, stating in said notice the date and place of the happening or infliction of such injury, the manner of such infliction, the character of the injury and the amount of damages claimed therefor; no suit or action shall be brought thereon until the Board of Aldermen shall have either declined to pay the same or shall have allowed twenty (20) days to elapse from the date of the presentation of the claim without acting thereon or after the expiration of twelve (12) months from the time said claim accrued and unless the claim is so presented within ninety (90) days after the cause of action accrued and unless suit is brought thereon within twelve (12) months from the time the alleged cause of action accrued, any action thereon shall be barred.

Sec. 21. That before any person, firm or corporation shall connect in any manner, except a sewer or water lateral from the meter to the premises, any privately owned water or sewer line or lines with any water or sewer line or lines of the Town of Lowell, such person, firm or corporation shall, by proper instrument, in consideration of making such connection and the benefits to be derived therefrom, dedicate, give, grant, and convey such water or sewer line or lines to the Town of Lowell, whether such connection and line or lines be within or without the Town of Lowell. No connection to any water or sewer line or lines or any other local public utility shall be made without the express approval of the town, nor shall such connection be effected except by the forces or employees of the Town of Lowell, for which a reasonable charge may be made. Should any person, firm or corporation connect any privately owned water or sewer line or lines with any town water or sewer line or lines without first dedicating, giving, granting, and conveying same to the town the act of connecting such water or sewer line or lines to the water or sewer line or lines of the Town of Lowell shall be conclusively deemed and held to be a dedication, gift, grant and conveyance of such water or sewer line or lines to the Town of Lowell; provided, that the Town of Lowell may enter into contracts, when authorized by a majority of the whole Board of Aldermen, with any person, firm or corporation whereby sewer or water lines may be laid within or without the town and connected to the system

of said town under such terms as may be agreed upon, notwithstanding any provision of this Section.

Sec. 22. That all records and accounts of every office and department of the town shall be open to inspection by any citizen or representative of the press at all reasonable times and under reasonable regulations established by the Board of Aldermen, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Sec. 23. That neither the Mayor nor any member of the Board of Aldermen nor any employee or officer of the town shall have a financial interest, direct or indirect, in the sale to the town of any land, materials, supplies or services, except on behalf of the town as its officer or employee. Any willful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge, express or implied, of the person or corporation contracting with the town shall render the contract voidable by the Board of Aldermen.

Sec. 24. That every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed with and kept in the office of the Town Clerk:

I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and the State of North Carolina, that I will, in all respects, observe the provisions of the Charter and the ordinances of the Town of Lowell and will faithfully discharge the duties of the office of.....

.....(Seal)

Subscribed this the.....day of.....19.....

Sec. 25. That all contracts entered into by the town, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Sec. 26. That all ordinances of the Town of Lowell not inconsistent with the provisions of this Charter shall remain in full force and effect until altered, amended or repealed by the Board of Aldermen.

Sec. 27. That all laws and clauses of laws in conflict with this Act and Charter and specifically Chapter 62, Private Laws of 1879; Chapter 166, Private Laws of 1889; Chapter 64, Private Laws of 1909; Chapter 212, Private Laws of 1927; Chapter 194, Private Laws of 1929, are hereby repealed. No such repeal shall affect any act done or any right accruing or accrued or established, or any suit had or commenced in any case before the time when such appeal shall take effect; provided, that no law heretofore repealed shall be revived by the repeal of any Act repealing such law; provided, that all persons who at the time when the said repeal shall take effect shall hold any office under any of the Acts hereby repealed shall continue to hold the same according to the tenure thereof, except those

as to which a different provision shall have been made by this Charter.

Sec. 28. That if any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of this Charter but shall be confined in its operation to the clause, phrase, Section, subsection or sentence affected and declared invalid or unconstitutional.

Sec. 29. This Charter shall be in full force and effect from and after the time of its ratification and enactment by the General Assembly of the State of North Carolina.

In the General Assembly read three times and ratified, this the 22nd day of March, 1955.

H. B. 580 CHAPTER 284

AN ACT RELATING TO THE ADMINISTRATION OF THE PUBLIC SCHOOLS IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, the administration, conduct, direction, maintenance, operation, organization, responsibility and supervision of the public school system in Yancey County is placed under the provisions of the general school laws of this State as set forth in Chapter 115 of the Statutes.

Sec. 2. Chapter 991 of the Session Laws of 1953 and all other laws, either general, public, public-local or private, relating to the subject matter of this Act, are hereby repealed, and the terms of office of the members of the board of education named therein are terminated as of April 1, 1955.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1955.

H. B. 632 CHAPTER 285

AN ACT AMENDING CHAPTER 207, PRIVATE LAWS OF 1891 SO AS TO INCREASE THE MEMBERSHIP OF THE BOARD OF ALDERMEN OF THE TOWN OF BRYSON CITY FROM THREE TO FOUR MEMBERS AND TO GIVE THE MAYOR VOTING POWERS.

The General Assembly of North Carolina do enact:

Section 1. That Section 3 of the Charter of the Town of Bryson City, as contained in Chapter 207, Private Laws of 1891, be and the same is hereby rewritten to read as follows:

"Sec. 3. On the first Tuesday after the first Monday of May 1955 and biennially thereafter there shall be elected by the qualified voters of Bryson City a mayor and four aldermen who shall be residents within the corporate limits of said town. Notwithstanding the provisions of G. S.

160-12, the Mayor of Bryson City shall have the same authority to vote on matters coming before the governing body of said town as if he were a member of the board of aldermen. In addition to his other duties, the mayor shall have supervision of the police officers of the town. In case of a vacancy in the office of mayor or in the membership of the board of aldermen, such vacancy shall be filled for the remainder of the unexpired term by the remaining members of the governing body."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1955.

S. B. 126 CHAPTER 286

AN ACT TO AMEND G. S. 113-111 RELATING TO GAME SO AS TO PERMIT FOX HUNTING AT ANYTIME WITHIN ANSON AND UNION COUNTIES AND TO PROHIBIT THE TRANSPORTATION OF FOXES INTO SAID COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-111 is amended by inserting between the word "in" and the word "Ashe" in line 2 of said Section the word and punctuation "Anson,". G. S. 113-111 is further amended by inserting after the comma following the word "Tyrrell" and before the word "Watauga" in line 4 of said Section the word and punctuation "Union,".

Sec. 2. It shall be unlawful in Anson and Union Counties for any person to bring any foxes into said county and set them at large. Any person violating the provisions of this Section shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

Sec. 3. The use of a snare is expressly prohibited for the purpose of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

S. B. 190 CHAPTER 287

AN ACT TO AMEND G. S. 131-54, VOLUME 3B, PROVIDING FOR A SETTLEMENT OF ONE YEAR IN THIS STATE BEFORE TUBERCULOUS PERSONS CAN BE ADMITTED TO THE STATE SANATORIA AND TO PROVIDE FOR THE ADMISSION OF PERSONS CONTRACTING TUBERCULOSIS WHO LIVE ON MILITARY BASES AND RESERVATIONS ON A COST BASIS.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 131-54, Volume 3B, by striking out the word "three" after the word "of" and before the word "years", as the same

appears in the thirtieth, or next to the last line, of said section, and by inserting in lieu thereof the word "one".

Sec. 2. Amend G. S. 131-54, Volume 3B, by adding at the end of said Section the following:

"Persons living on a military or naval base, military reservation or other property over which the Federal Government exercises exclusive or concurrent jurisdiction and who are or become infected or afflicted with tuberculosis may, in the discretion of the Board of Directors of the North Carolina Sanatoriums for the Treatment of Tuberculosis, be admitted to any of the State sanatoria for the treatment of tuberculosis on a cost basis and under such rules and regulations as the said board of directors may promulgate governing the terms of such admissions and the cost thereof."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 33 CHAPTER 288

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY TO CALL A SPECIAL ELECTION FOR THE AUTHORIZATION OF AN INDUSTRIAL DEVELOPMENT TAX FOR UNION COUNTY AND TO CREATE AND FIX THE POWERS OF AN INDUSTRIAL DEVELOPMENT COMMISSION FOR UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Union County is authorized and empowered to call a special election upon the duly presented petition of any one hundred (100) qualified voters of Union County, to determine whether it be the will of the qualified voters of said county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed five cents (5c) on each one hundred dollars ($100.00) valuation of property in said Union County, to be known as an Industrial Development Tax, the funds therefrom, if the levy be authorized by the voters of Union County, to be used for the purpose of attracting new and diversified industries to Union County, and for the encouragement of new business and industrial ventures by local as well as foreign capital.

Sec. 2. There shall be no new registration of the voters of Union County for such election. The registration books shall be open for the

registration of new voters of Union County at nine o'clock A. M. Eastern Standard Time, on the fourth Saturday before such election, and the said books shall be closed at sunset on the second Saturday before such election. The Saturday immediately before the election day shall be "Challenge Day". The registrar of each precinct of Union County shall be furnished with a registration book and it shall be his duty between the hours of nine o'clock A. M., Eastern Standard Time, and sunset on each day during the period when the registration books are open, to keep open said books for the registration of new voters of Union County residing within such precinct and entitled to registration. On each Saturday during the period of registration, the registrar shall attend with his registration books at the polling place of his precinct between the hours of nine o'clock A. M., Eastern Standard Time and sunset, for the registration of voters.

Sec. 3. A notice of such registration of new voters shall be published in the newspaper circulated in Union County, once, not less than thirty days before and not more than forty days before the closing of the registration books, stating the hours and days for registration. It shall not be necessary to specify in said notice the places of said registration, except that the said notice shall state that on each Saturday during the period of registration, each registrar of Union County will attend with his registration books at the polling place of his precinct, between the hours of nine A. M., Eastern Standard Time, and sunset, for the registration of voters.

Sec. 4. The registrars appointed for such election are directed to enter upon the registration books the names of any and all legal residents of Union County, who are or could legally be enfranchised as qualified voters for regular general elections, not heretofore registered, and who may present themselves to be registered. In addition to registering such qualified persons who so present themselves during the specified hours of registration the said registrars are authorized and empowered during any interim period from nine o'clock A. M. on the first set Saturday of registration to and inclusive of five o'clock P. M. on the fourth such Saturday, to see and contact at their homes or elsewhere any such duly qualified persons and to register them upon the registration books.

Sec. 5. The hours of such an election, on a date to be designated by the Board of County Commissioners of Union County, are fixed at seven o'clock A. M. to seven o'clock P. M. The said special election, if called, shall be under the control and supervision of the Union County Board of Elections, and at such special election said election board shall cause to be placed at each voting precinct in Union County a ballot box marked "Industrial Development Tax Election". At said election all voters of Union County who are duly qualified electors and who are duly registered may vote in said election. Each of said voters when he or she comes to the polling place to vote shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words "For Industrial Development Tax" and "Against Industrial Development Tax", which alternates shall appear separated from each other on one ballot containing opposite and to the left of each alternate, squares of appropriate size in

one of which squares the voters may mark a mark "X" to designate the voter's choice for or against such tax. Such ballots shall be printed on white paper, and each polling place in Union County shall be supplied with a sufficient number of ballots not later than the day before the election.

Sec. 6. The duly appointed judges and other election officials who are named and fixed by the Union County Board of Elections shall count the ballots so cast in such election and the results of the election shall be officially canvassed, certified and announced by the proper officials of the Union County Board of Elections, according to the manner of canvassing, certifying and announcing the elections held under the general election laws of the State. Except as herein otherwise provided, the registration and election herein provided for shall be conducted in accordance with the general election laws of the State as provided for local elections.

Sec. 7. If a majority of those voting in such election favor the levying of such a tax, the Board of Commissioners of Union County are authorized to levy such a tax at a rate not to exceed five cents (5c) on each one hundred dollars ($100.00) of assessed value of real and personal property taxable in Union County.

Sec. 8. If the majority of the qualified voters voting in such election favor the levying of such a tax, then and in that event, there is hereby created a commission to be known as the Industrial Development Commission for Union County; such commission shall be composed of six members, to be named by the Union County Board of Commissioners as follows: One member from the town of Waxhaw; one member from the city of Monroe; one member from the town of Wingate; one member from the town of Marshville; two remaining members to be named at large from any part of Union County. The terms of office of the members of the commission shall be three years, with the exception of the first two years of the existence of the commission, and then two shall be appointed to serve for a period of one year and two for a period of two years; thereafter all members shall be appointed for three years, and shall serve until their successors have been appointed and qualified. All appointments for unexpired terms resulting from resignation, death or other causes shall be made by the Union County Board of Commissioners. The commission shall hold its first meeting within thirty days after its appointment as provided for in this Act, and the beginning date of all terms of office of the commissioners shall be the date on which the commission holds its first meeting. After the members of the commission shall have been appointed and at the time of the holding of the first meeting, they shall, by a majority vote, name and select from their membership their own chairman, vice-chairman, secretary and treasurer, and shall draw up and ratify their own by-laws and procedural rules and policies. The commission member who shall be named treasurer shall have supervision of all funds administered by the commission in any way whatsoever; shall sign and countersign all checks, drafts, bills of exchange, or any and all other negotiable instruments which shall properly be issued under his supervision; and shall furnish such surety bond as shall be designated by the Board of Commissioners of Union County. No money, property or funds

of the commission herein created shall be used directly or indirectly as a subsidy or investment in capital stock or capital assets in any business, industry or business venture.

Sec. 9. Under the supervision and jurisdiction of the Industrial Development Commission for Union County there shall be set up a bureau, the purpose of which shall be to encourage new business and industrial development based on either local or foreign capital, in any and all ways which may be deemed advisable by the commission; that the commission shall have charge of the activities of this bureau, full supervision of its operation, and full responsibility for its actions; that this jurisdiction shall include employment of personnel for the bureau, supervision of its purchase and expense accounts, and administration of responsibility for all the tax funds which shall be turned over to the commission by county authorities from the industrial development tax and any and all other funds which may come into its hands; the commission shall be empowered to lease, rent, or purchase, or otherwise obtain suitable quarters and office space for an industrial development bureau, to lease, rent, or purchase necessary furniture, fixtures, and other equipment, to purchase advertising space in periodicals which may be selected for that purpose, and to otherwise engage in any and all activities which shall, in its discretion, promote the business and industrial development and general economic welfare of Union County, and shall have full power to exercise any and all other proper authority in connection with its duties and not expressly mentioned herein.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 287 CHAPTER 289

AN ACT TO AMEND SECTION 15-78 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE PAYMENT OF COSTS AND EXPENSES OF RETURNING FUGITIVES FROM JUSTICE TO THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. That Section 15-78 of the General Statutes of North Carolina as amended by Chapter 1203 of the 1953 Session Laws be amended by adding at the end of said Section the following:

"Provided that if the fugitive from justice is an alleged felon, and he be returned without the service of extradition papers by the sheriff or the agent of the sheriff of the county in which the felony was alleged to have been committed, the expense of said return shall be borne by the State of North Carolina under the rules and regulations made and promulgated by the Governor of North Carolina or the executive agent or the executive

clerk to whom the said Governor may have delegated his duties under this Section."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 289 CHAPTER 290

AN ACT TO ALLOW GUARDIANS OR TRUSTEES TO PAY DEBTS AND OBLIGATIONS OF WARDS INCURRED PRIOR TO THE DATE OF ADJUDICATION OF INCOMPETENCY AND TO VALIDATE CERTAIN DISBURSEMENTS MADE BY GUARDIANS AND TRUSTEES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 33 of the General Statutes of North Carolina is hereby amended by inserting the following Section immediately following G. S. 33-6 to be numbered as G. S. 33-6.1 and to read as follows:

"Sec. 33-6.1. Payment of debts and obligations of wards incurred prior to date of adjudication of incompetency. The Clerk of Superior Court may in his discretion authorize the guardian or trustee of the estate of any incompetent, including an inebriate, for whom a guardian or trustee has been appointed, to pay debts and obligations of wards incurred prior to the date of adjudication of incompetency for necessary living expenses, taxes, and specific liens on real or personal property if the Clerk is satisfied that the incompetent or inebriate has an equity in such property on which there is a specific lien."

Sec. 2. All such disbursements made prior to the effective date of this Act by a guardian or trustee of an estate of an incompetent or inebriate upon orders of or with the approval of a Clerk of Superior Court or a Superior Court Judge, are hereby validated.

Sec. 2A. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 295 CHAPTER 291

AN ACT TO PROVIDE FOR ISSUING CALL-LETTER LICENSE PLATES TO AMATEUR RADIO OPERATORS.

The General Assembly of North Carolina do enact:

Section 1. Every owner of a motor vehicle which is primarily used

for pleasure or communications purposes who holds an unrevoked and unexpired amateur radio license of a renewable nature, issued by the Federal Communications Commission, shall, upon payment of registration and licensing fees for such vehicle as required by law and an additional fee of one dollar ($1.00), be issued, in addition to the registration plates required by law, plates of similar size and design as the regular registration plates provided for by G. S. 20-63 or other provisions of law, upon which shall be inscribed, in lieu of the usual registration number, the official amateur radio call letters of such persons as assigned by the Federal Communications Commission.

Sec. 2. Any person holding special plates issued pursuant to this Act shall be authorized to affix such special plates to his motor vehicle in such fashion or manner that the special plates are placed over the regular registration plates and cover the regular registration plates.

Sec. 3. Application for special registration plates shall be made on forms which shall be provided by the Department of Motor Vehicles and shall contain proof satisfactory to the department that the applicant holds an unrevoked and unexpired official amateur radio license and shall state the call letters which have been assigned to the applicant. Applications must be filed prior to 60 days before the date when regular registration plates for the year are made available to motor vehicle owners.

Sec. 4. Special registration plates issued pursuant to this Act shall be replaced annually to the same extent as regular registration plates are replaced. These plates shall be valid during the year for which issued. If the amateur radio license of a person holding a special plate issued pursuant to this Act shall be cancelled or rescinded by the Federal Communications Commission, such person shall immediately return the special plates to the Department of Motor Vehicles.

Sec. 5. The provisions of this Act shall apply to calendar years beginning after December 31, 1955. The Department of Motor Vehicles is authorized to, and shall, make such provisions prior to January 1, 1956, as are necessary for the issuance for the year 1956 of the special plates provided for in this Act.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 339 CHAPTER 292

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BATTLEBORO.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 215, Private Laws of 1915, is hereby amended by striking out the word "annually" in line 5 thereof and sub-

stituting therefor the word "biennially", it being the purpose and intent of this Section to provide for two-year terms of office of the mayor and aldermen beginning with the term to which said officers are elected at the regular municipal election in May 1955.

Sec. 2. Section 3 of said Chapter is hereby amended by striking out the words "not to exceed ninety cents on each one hundred dollars worth of property and two dollars on the poll" immediately following the word "taxation" in line ten and immediately preceding the word "collect" in line eleven, and substituting in lieu thereof the words "as prescribed by general law".

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict, if any.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 372 CHAPTER 293

AN ACT AMENDING SECTION 7 OF CHAPTER 697 OF THE PUBLIC-LOCAL LAWS OF 1913 RELATING TO THE TRIALS OF CRIMINAL ACTIONS AND THE WARRANTS UPON WHICH CRIMINAL ACTIONS ARE TRIED IN THE COUNTY COURT OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 7, Chapter 697, Public-Local Laws of 1913, be and it is hereby rewritten to read as follows:

"Sec. 7. Trials of criminal actions in said court shall be on warrants issued by the Clerk of said County Court, but where criminal actions have come to said court from courts inferior thereto, upon finding of probable cause by such inferior courts, or upon appeals from final judgments of such inferior courts, trial shall be on the original warrants issued by said inferior courts."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 383 CHAPTER 294

AN ACT TO PROHIBIT THE FRAUDULENT USE OF MOTOR VEHICLE CERTIFICATES OF TITLE IN CONNECTION WITH VEHICLES OTHER THAN THOSE FOR WHICH ISSUED.

The General Assembly of North Carolina do enact:

Section 1. Section 20-110 of the General Statutes is hereby amended

by adding to the end thereof a new subsection to be designated by an appropriate letter in proper sequence and to read as follows:

"The Department shall rescind and cancel a certificate of title when the Department finds that such certificate has been used in connection with the registration or sale of a vehicle other than the vehicle for which the certificate was issued."

Sec. 2. Section 20-111 of the General Statutes is hereby amended by adding to the end thereof a new subsection to be designated by an appropriate letter in proper sequence and to read as follows:

"To give, lend, sell or obtain a certificate of title for the purpose of such certificate's being used for any purpose other than the registration, sale, or other use in connection with the vehicle for which the certificate was issued. Any person violating the provisions of this subsection shall be guilty of a misdemeanor."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 384 CHAPTER 295

AN ACT TO PROVIDE FOR THE ERECTION OF YIELD RIGHT-OF-WAY SIGNS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 20 of the General Statutes is hereby amended by inserting therein immediately following Section 20-158 a new Section to be designated Section 20-158.1 and to read as follows:

"The State Highway and Public Works Commission, with reference to State highways, and cities and towns with reference to highways and streets under their jurisdiction, are authorized to designate main traveled or through highways and streets by erecting at the entrance thereto from intersecting highways or streets, signs notifying drivers of vehicles to yield the right-of-way to drivers of vehicles approaching the intersection on the main traveled or through highway. Notwithstanding any other provisions of this Chapter, except Section 20-156, whenever any such yield right-of-way signs have been so erected, it shall be unlawful for the driver of any vehicle to enter or cross such main traveled or through highway or street unless he shall first slow down and yield the right-of-way to any vehicle in movement on the main traveled or through highway or street which is approaching so as to arrive at the intersection at approximately the same time as the vehicle entering the main traveled or through highway or street. No failure to so yield the right-of-way shall be considered negligence or contributory negligence per se in any action at law for injury to person or property, but the facts relating to such failure to yield the right-of-way may be considered with the other facts in the case in determining whether either party in such action was guilty of negligence

or contributory negligence. Any person violating the provisions of this Section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars ($10.00) or imprisoned for not more than ten days."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 435 CHAPTER 296

AN ACT TO CORRECT CERTAIN TYPOGRAPHICAL ERRORS IN THE MOTOR VEHICLE LAWS.

The General Assembly of North Carolina do enact:

Section 1. Paragraph 3 of subsection (d) of Section 20-77 of the General Statutes is hereby amended by deleting therefrom the word "license" in the eleventh line of the paragraph and by inserting in lieu thereof the word "sale".

Sec. 2. Subsection (e) of Section 20-116 of the General Statutes is hereby amended by deleting from the third line of the subsection the word "inclusive" and by inserting in lieu thereof the word "exclusive".

Sec. 3. Subsection (b) of Section 20-123 of the General Statutes is hereby amended by deleting from the third line of the subsection the word "shake" and by inserting in lieu thereof the word "snake".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 442 CHAPTER 297

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SAMPSON COUNTY TO EXEMPT VOLUNTEER FIREMEN FROM THE PAYMENT OF POLL TAX TO SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Sampson County is authorized, in its discretion, to exempt from the payment of poll tax to said county all active volunteer firemen in any municipality of the said county who have performed all duties required of them as volunteer firemen and who are in good standing with their respective fire departments and with the North Carolina State Firemen's Association. On the first day of January and July of each year, beginning with the first day of July, 1955, the fire chiefs of the municipalities in Sampson County shall file with the Clerk of the Superior Court of Sampson County a statement giving the name of each member of his organization who is in good

standing with his fire department and with the North Carolina State Firemen's Association, and who has performed all duties required of him as a volunteer fireman during the preceding six months; and any member of any such fire department whose name does not appear on such statement shall not receive the benefit of the exemption provided for herein.

Sec. 2. This Act shall apply only to the County of Sampson.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 463 CHAPTER 298

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SCOTLAND NECK.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the Town of Scotland Neck be and the same are hereby extended to include the following described area:

BEGINNING at a point in the old city limits, said point being the extension of the northern line of 14th Street with the eastern line of the street which runs in front of the Brawley High School; thence along the northern line off 14th Street North 17 degrees 10 minutes West 970 feet, a corner in the old city limit line; thence North 18 degrees 50 minutes East 610 feet to a point in the eastern side of the street which runs in front of the Brawley High School; thence along and with the eastern side said street and the new city limit line South 38 degrees 15 minutes East 1150 feet to the point of beginning and containing 7.2 acres.

BEGINNING at a point in the eastern line of the Atlantic Coast Line Railroad right-of-way line, said point being the extension of the southern side of 7th Street; thence along with the eastern right-of-way line of said railroad South 6 degrees 45 minutes, East 1005 feet to the center of a dirt road; thence along and with the center of said road South 78 degrees, West 640 feet to a point in the old city limit line; thence North 7 degrees 40 minutes, West 60 feet a corner in the old city limit line; thence North 18 degrees 50 minutes, East 1228 feet to a corner in the old city limit line; thence South 71 degrees 10 minutes, East 160 feet to the point of beginning and containing 10.1 acres.

BEGINNING at a concrete marker on the canal, said marker being 60 feet from the northern line of Westhaven Street extended; thence South 71 degrees 10 minutes East 357 feet to a concrete marker an old city limit marker; thence South 18 degrees 50 minutes, West 1856 feet to a stake on the South side of 5th Street; thence North 80 degrees, West

550 feet to the canal; thence along and with the canal 1850 feet, more or less to the point of beginning and containing 22.1 acres.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 493 CHAPTER 299

AN ACT AMENDING CHAPTER 144 OF THE PUBLIC-LOCAL LAWS OF 1935 RELATING TO THE CHARTER OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 under Section 3 of Chapter 144 of the Public-Local Laws of 1937 be and the same is hereby rewritten to read as follows:

"Section 1. There is hereby created a Civil Service Commission of the City of High Point, which commission shall be composed of seven members who shall be appointed by the Council of the City of High Point. The present members of the Civil Service Commission shall serve out their present terms of office. Two additional members shall be appointed for six-year terms beginning July 1, 1955. When the terms of the five present members of said Civil Service Commission expire on June 30, 1957, to succeed them two members shall be appointed for two-year terms beginning July 1, 1957, one member shall be appointed for a four-year term beginning July 1, 1957 and two members shall be appointed for six-year terms beginning July 1, 1957. Thereafter, the successors to all members shall be appointed by the Council of the City of High Point for terms of six years. No person appointed on said commission for a six-year term shall be eligible for reappointment on said commission until after the lapse of two years following the expiration of his term, except that this provision shall not apply to members appointed to fill out unexpired terms. Each of the two major political parties in High Point shall have at least two members on said commission; in event of death or resignation of a member of said commission the Council of the City of High Point shall appoint, after consultation with the remaining members of such commission, a new member to fill out the unexpired term."

Sec. 2. That Section 3 under Section 3 of Chapter 144 of the Public-Local Laws of 1937 be amended as follows: Change the word and figure "two ($2.00)" in line two of said Section to the word and figure "five ($5.00)"; change the period in line three of said Section to a comma and add the following: "and in no case more than ten ($10.00) dollars per month".

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 581 CHAPTER 300

AN ACT REWRITING SECTIONS 3 AND 4, CHAPTER 425, SESSION LAWS OF 1953, RELATING TO THE APPOINTMENT OF THE MEMBERS OF THE BOARD OF TRUSTEES OR BOARD OF EDUCATION OF THE MAXTON CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. That Section 3, Chapter 425, Session Laws of 1953, be and the same is hereby rewritten to read as follows:

"Sec. 3. The Board of Trustees or Board of Education of Maxton City Administrative Unit shall be composed of five members, four of whom shall reside in Maxton Township, and one of whom shall reside outside Maxton Township but within the area being served by the Maxton City Administrative Unit."

Sec. 2. That Section 4, Chapter 425, Session Laws of 1953, be and the same is hereby rewritten to read as follows:

"Sec. 4. The members of the Board of Trustees or Board of Education of said City Administrative Unit shall be appointed by the General Assembly for terms of two years each. Their terms shall begin on the fourth Monday in June, 1957 and on the same date every two years thereafter. The present members of said board shall continue to serve until the fourth Monday in June, 1957 or until their successors shall have been appointed and qualified. Any vacancy occurring on said board shall be filled for the remainder of the unexpired term by appointment by the remaining members of said board."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

H. B. 594 CHAPTER 301

AN ACT TO AUTHORIZE THE TOWN OF LOUISBURG, NORTH CAROLINA, TO SUBMIT QUESTION OF ADOPTING THE CITY MANAGER FORM OF GOVERNMENT TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION ON MAY 3rd, 1955.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the Town of Louisburg, North Carolina, be, and it is hereby authorized and empowered to submit to the voters of the Town of Louisburg the question of the adoption by said

Town of the City Manager Form of Government, as provided in Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, designated therein as "Plan D", without the necessity of requiring a petition signed by twenty-five per cent of the qualified voters of said Town, and to all intents and purposes as if such petition had been signed and presented.

Sec. 2. That in lieu of the calling of a Special Election, as provided in Part 2, Article 21, Chapter 160, General Statutes of North Carolina, the said Town of Louisburg is authorized and empowered to submit the question of adopting such plan of government to the voters at the General Municipal Election of officers to be held on May 3rd, 1955, said election to be regulated, conducted and canvassed in all respects as the regular biennial elections of municipal officers in said Town are now held and conducted; provided that a separate form of ballot shall be used, substantially as directed in Part 2, Article 21, Chapter 160, General Statutes of North Carolina.

Sec. 3. If a majority of the votes cast in said election shall favor the adoption of "Plan D", hereinbefore referred to, then and in that event all of the provisions of Part 3, Article 21, and Part 4, Article 22 of Chapter 160, General Statutes of North Carolina, shall be applicable to the Town of Louisburg, and the Charter of said Town shall be amended accordingly; provided, however, that the election of Councilmen to constitute the governing body of said Town under the new form of government shall take place at the time of the regular municipal election on the first Tuesday after the first Monday in May 1957, and the change in government designated as "Plan D", shall become effective and operative as of the hour of 12:00 o'clock noon on the day next succeeding such regular election in May 1957.

Sec. 4. That this Act shall apply only to the Town of Louisburg, North Carolina, and all laws and clauses of laws in conflict with the provisions of this Act are to the extent of such conflict, hereby repealed.

Sec. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1955.

S. B. 158 CHAPTER 302

AN ACT TO AMEND G. S. 28-81, RELATING TO SALES OF REALTY BY EXECUTORS, ADMINISTRATORS OR COLLECTORS IN THE ADMINISTRATION OF ESTATES.

The General Assembly of North Carolina do enact:

Section 1. The first sentence of G. S. 28-81 is stricken out and the following is substituted in lieu thereof:

"When it is alleged and shown that the personal estate of a decedent is insufficient to pay all of his debts, including the charges of administration, it shall not be necessary that the personal property of such decedent be first exhausted, and the executor, administrator or collector

may, at any time after the grant of letters, apply to the Superior Court of the county where the land or some part thereof is situated, by petition, to sell the real property for the payment of the debts of such decedent."

Sec. 2. All sales of realty heretofore held, conducted and consummated under G. S. 28-81 are hereby, in all respects, confirmed, ratified and validated, to the extent that said sales were held without first exhausting the personal property.

Sec. 3. This Act shall not apply to pending litigation.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 219 CHAPTER 303

AN ACT TO AMEND SECTION 143-135 OF THE GENERAL STATUTES RELATING TO PUBLIC BUILDING CONTRACTS TO REGULATE THE CONSTRUCTION OF SCHOOL BUILDINGS IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 143-135 of the General Statutes by adding a proviso at the end of said Section which shall read as follows:

"Provided, that the provisions of this Article shall not apply in Moore County to the governing authority of a county administrative unit, or other proper public authority of Moore County charged with the construction of school buildings and doing or performing by or through its or their duly authorized officers or agents work in the construction of such school buildings up to and including an amount not to exceed thirty thousand dollars ($30,000.00)."

Sec. 2. The provisions of this Act shall terminate April 30, 1957.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 224 CHAPTER 304

AN ACT TO AMEND CHAPTER 45 OF THE 1927 PUBLIC LAWS OF NORTH CAROLINA CREATING THE DURHAM-ORANGE HISTORICAL COMMISSION AND NAMING MEMBERS THERETO IN LIEU OF DECEASED AND OTHER MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 45 of Public Laws of North Carolina of 1927 be so amended as to provide that the following persons

be and constitute the Durham-Orange Historical Commission, to wit: From Durham County—R. O. Everett, Chairman; Wyatt T. Dixon; Oscar G. Barker; Mrs. Robert Bruce Cooke; Mrs. Irving E. Gray; Mrs. William M. Piatt; Mrs. James H. Semans; Claude Currie. From Orange County—A. H. Graham, Sr., Vice Chairman; Miss Mary Henderson; L. J. Phipps; E. M. Lynch; H. T. Lefler; J. G. deR. Hamilton who shall hold office for eight years or until their successors are duly appointed and qualified.

Sec. 2. That the said Commission so constituted shall have authority to appoint and elect associate members under such regulations and for such periods, not to exceed eight years, as said Commission shall prescribe.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 270 CHAPTER 305

AN ACT TO PROTECT CHILDREN FROM ABANDONED AND DISCARDED ICEBOXES AND REFRIGERATORS.

The General Assembly of North Carolina do enact:

Section 1. Article 39 of Chapter 14 of the General Statutes is hereby amended by adding a new Section following Section 14-318 to be designated as Section 14-318.1 and to read as follows:

"Section 14-318.1. Discarding or abandoning iceboxes, etc.; precautions required. It shall be unlawful for any person, firm or corporation to discard, abandon, leave or allow to remain in any place any icebox, refrigerator or other container, device or equipment of any kind with an interior storage area of more than one and one-half (1½) cubic feet of clear space which is airtight, without first removing the door or doors or hinges from such icebox, refrigerator, container, device or equipment. This Section shall not apply to any icebox, refrigerator, container, device or equipment which is being used for the purpose for which it was originally designed, or is being used for display purposes by any retail or wholesale merchant, or is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof. Any person violating the provisions of this Section shall be guilty of a misdemeanor, and upon conviction shall be punished at the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 330 CHAPTER 306

AN ACT TO AMEND G. S. 106-375, RELATING TO QUARANTINE OF DOGS IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-375 is amended by adding a new paragraph at the end thereof to read as follows:

"In Cleveland County, the Board of County Commissioners is authorized at any time and from time to time to declare a 30-day quarantine of all dogs in the county when, in its judgment, the health, safety and welfare of the people of the county will be best served: Provided, a dog may be permitted to leave the premises of the owner if on leash or under the control of the owner or some other responsible person. Any person violating an order of quarantine declared under authority of this paragraph shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 351 CHAPTER 307

AN ACT TO AMEND CHAPTER 256 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE APPOINTMENT OF THE MEMBERS OF THE BOARD OF TRUSTEES OF THE FAIRMONT ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 256 of the Public-Local Laws of 1939 is hereby rewritten so that the same shall read as follows:

"**Sec. 3. Members of Board of Trustees; Appointment; Qualifications.**—The members of the Board of Trustees of the Fairmont Administrative School unit shall be appointed by the General Assembly of North Carolina is the manner hereinafter set forth.

"The General Assembly of North Carolina does hereby appoint T. R. Butterworth and D. M. Britt as members of the Board of Trustees of the Fairmont Administrative School Unit, and they shall serve for a period of two years from and after July 1, 1955, and until their successors are appointed and qualified.

"The General Assembly hereby appoints W. C. Floyd, Joseph Page and Dr. P. C. Purvis as members of the Board of Trustees of the Fairmont Administrative School Unit, and their term of office shall be for a period of four years from and after July 1, 1955, and until their successors are appointed and qualified.

"The General Assembly of North Carolina at its regular Session of

1957 shall appoint two members of said Board of Trustees of Fairmont Administrative School Unit to fill the offices of the two members whose terms will expire the year of 1957. These appointments shall be for a period of four years and until their successors are appointed and qualified. Thereafter at the regular Session of the General Assembly in 1959 the said General Assembly shall appoint three members to fill the offices of the three members whose terms are then expiring, and said appointments shall be for a period of four years. Thereafter at each regular Session of the General Assembly appointments shall be made for the offices of membership in the Fairmont Administrative School Unit by the General Assembly for the offices expiring in the year that the Session is held, and all appointments shall be for a period of four years and until the successors of such members are appointed and qualified. It is the purpose and intent of this Section that the Board of Trustees of Fairmont Administrative School Unit shall hold office by means of a staggered system so that at all times there shall be members who have previously served and have had experience in the administration of the affairs of the Fairmont Administrative School Unit."

Sec. 2. The said trustees shall have the qualifications prescribed by law for members of the Robeson County Board of Education but said trustees shall reside within the Fairmont Administrative Unit. In the event a vacancy occurs among the present membership of said board of trustees, either by resignation, death or removal from the district, or otherwise, it shall be filled by the remaining members of the board of trustees and such person so designated shall serve for the unexpired term and until his successor is elected as now provided by law.

Sec. 3. Subsection (1) of Section 1, including paragraph (a) thereof, of Chapter 344 of the Session Laws of 1945, be and the same is hereby repealed.

Sec. 4. Chapter 574 of the Session Laws of 1951 be and the same is hereby repealed.

Sec. 5. Any and all laws, general, special, public-local or private, in conflict with this Act, are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 410 CHAPTER 308

AN ACT TO PRESERVE FOR THE SOUTHEASTERN BAPTIST THEOLOGICAL SEMINARY, INC., THE SAME PROVISIONS WITH RESPECT TO THE SALE OF LIQUOR, BEER AND WINE THAT ARE NOW IN EFFECT FOR THE PROTECTION OF WAKE FOREST COLLEGE.

WHEREAS, Wake Forest College is to be moved from the Town of Wake Forest in Wake County, to the City of Winston-Salem in Forsyth County in 1956, and the property owned by said Wake Forest College hav-

ing been sold to and purchased by the Southeastern Baptist Theological Seminary, Inc., an agency of the Southern Baptist Convention; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That G. S. 18-45(n) be and the same is hereby amended by adding at the end thereof the following:

"Provided that the Board of Alcoholic Control for Wake County shall not have the authority to locate or establish a liquor control store within the corporate limits of the Town of Wake Forest or within five miles thereof."

Sec. 2. That Article 11, Chapter 18, of the General Statutes of North Carolina be and the same is hereby amended by adding at the end of said Article a Section to be numbered G. S. 18-128.2 reading as follows:

"It shall be unlawful for any person to sell beer or wine within the corporate limits of the Town of Wake Forest, Wake County, North Carolina, or within one mile thereof."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 416 CHAPTER 309

AN ACT RELATING TO THE DEMOLITION OF UNSAFE DWELLINGS IN THE TOWN OF MAYSVILLE IN JONES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The provisions of Article 15 of Chapter 160 of the General Statutes of North Carolina are hereby made applicable to the Town of Maysville in Jones County notwithstanding the population limitation contained in subsection (a) of Section 160-183 of the General Statutes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 438 CHAPTER 310

AN ACT TO AMEND G. S. 108-37 RELATING TO DISBURSEMENT OF OLD AGE ASSISTANCE FUNDS: G. S. 108-66 RELATING TO DISBURSEMENT OF AID TO DEPENDENT CHILDREN FUNDS: G. S. 108-73.5 RELATING TO DISBURSEMENT OF GENERAL ASSISTANCE FUNDS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 108-37 be and the same is hereby amended as follows: (a) By striking out the word "both" in the tenth line of the

third paragraph of said Section. (b) By adding a colon after the word "recipients" in the eleventh line of said paragraph and by striking out the words "and for administrative purposes:" in the eleventh line of said paragraph, and by adding a new sentence at the end of the third paragraph as follows; "Warrants shall be drawn under this Article for administrative purposes in accordance with the 'County Fiscal Control Act.'"

Sec. 2. That G. S. 108-66 be and the same is hereby amended as follows: (a) By striking out the word "both" in the tenth line of the third paragraph of said Section. (b) By inserting a colon after the word "recipients" in the tenth line of the third paragraph, and by striking out the words "and for administrative purposes;" in lines ten and eleven of the third paragraph. (c) By adding a new sentence at the end of the fourth paragraph as follows: "Warrants shall be drawn under this Article for administrative purposes in accordance with the 'County Fiscal Control Act.'"

Sec. 3. That G. S. 108-73.5 be and the same is hereby amended as follows: (a) By striking out the word "both" in the twelfth line of the second paragraph of said Section. (b) By inserting a colon after the word "recipients" in the thirteenth line of said paragraph and by striking out the words "and for administrative purposes:" in the thirteenth line of the second paragraph. (c) By adding a new sentence at the end of the second paragraph as follows: "Warrants shall be drawn under this Article for administrative purposes in accordance with the 'County Fiscal Control Act.'"

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 440 CHAPTER 311

AN ACT TO EXEMPT FORSYTH COUNTY FROM THE PROVISIONS OF G. S. 18-6.1 OF VOLUME 1C, RELATING TO THE TRIAL OF CASES INVOLVING VEHICLES SEIZED AND ARRESTS MADE FOR UNLAWFUL TRANSPORTATION OF INTOXICATING LIQUOR IN FORYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-6.1 of Volume 1C is hereby amended by adding at the end thereof a new paragraph to read as follows:

"This Section shall not apply to Forsyth County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 506 CHAPTER 312

AN ACT TO AMEND G. S. 108-11 RELATING TO COUNTY BOARDS OF PUBLIC WELFARE AS THE SAME APPLIES TO GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 108-11 be and the same is hereby amended by adding at the end thereof a paragraph as follows: "Provided that in Guilford County two additional members shall be appointed and serve on the board of public welfare as now composed and constituted in said county in order to create, compose, and establish in said county a board of public welfare of five members and, except as herein provided, the members of the present board of public welfare shall continue to serve according to their present method of appointment, terms of office, and as now constituted. The two additional members shall be appointed as follows: That on or before July 1, 1955 the board of county commissioners of said county shall appoint one of the additional members, who may be one of their own number, to serve as ex officio member of the county welfare board with the same power and duties as the other members of the board; or they may appoint a person not of their own number to serve on the county welfare board; the State Board of Public Welfare, on or before July 1, 1955, shall appoint the other additional member. The additional members shall serve two-year terms, beginning July 1, 1955. After the term of office of the two additional members, as herein provided, expire, their successors shall be appointed by the same appointing authority and such successors shall serve for terms of three years each. The third member now serving on the present board of public welfare of said county shall continue to serve and hold office until the expiration of her present term, and thereafter, her successors shall be appointed as follows: He or she shall be selected and appointed by the four members heretofore appointed by the board of county commissioners and board of public welfare, but unless at least three of such four members can agree upon the selection and appointment of said member, then the Resident Judge of the Superior Court of the district in which said county is situated shall select and appoint said member. Such member and his or her successors shall serve for a term of three years and shall be designated as the fifth member of said board.

Sec. 2. This Act shall apply only to the County of Guilford.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 526 CHAPTER 313

AN ACT RELATING TO NOMINATION AND ELECTION OF COUNTY COMMISSIONERS IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 947 of the Session Laws of 1953 be and the same are hereby repealed.

Sec. 2. At the next primary held after the ratification of this Act for the nomination of county officers in Bladen County, and at all succeeding primaries, there shall be nominated five candidates for county commissioners. The five candidates who each receive a majority of the votes cast by his political party in the county voting as a whole shall be declared to be the candidate of his political party duly nominated for the General Election. Provided, however, that not more than one candidate may be nominated from the same township.

Sec. 3. The Board of County Commissioners of Bladen County shall be composed of five members, from and after the ratification of this Act. The provisions of this Act shall not affect the term of office of any member of the Board of County Commissioners of Bladen County, as presently constituted and serving.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 527 CHAPTER 314

AN ACT TO AUTHORIZE GUILFORD COUNTY, THE CITY OF GREENSBORO, AND THE CITY OF HIGH POINT TO CONSTRUCT AND MAINTAIN AN ANIMAL SHELTER FOR THEIR JOINT USE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Guilford County, the City Council of the City of Greensboro and the City Council of the City of High Point are hereby authorized and empowered to construct or have constructed and to maintain and operate one or more animal shelters for the joint use of the three governmental units, for the purpose of confining, caring for, treating, disposing of and otherwise providing for the general welfare of any animals in Guilford County which are lost, strayed, unclaimed, or which are dangerous or injured, or which are at large in violation of any law or ordinance, or which are otherwise fit subjects for confinement.

Sec. 2. It shall be within the authority and the discretion of the Board of Commissioners of Guilford County, the City Council of Greensboro, and the City Council of High Point, acting by agreement of the three bodies (jointly or otherwise), to purchase or otherwise acquire land suitable for the construction and maintenance of the above animal shelter, and to determine all matters relating to the location of the animal shelter, the construction of the building or buildings, the initial cost of the land and buildings, as well as that of the equipment, and any other matters relating to the construction of the buildings and other improvements of the land selected for the purpose: Provided, that the initial cost of providing said animal shelter, including the equipment and the site, shall be borne by Guilford County and the cities of Greensboro and High Point in such proportions as may be agreed upon by their governing bodies; and the ownership of said property shall be in Guilford County and the cities of Greensboro and High Point in the same proportions; and the proportion each governmental unit owns in said property may be changed from time to time by mutual agreement and adjustment, by resolution of the governmental bodies, without notice, advertisement or public sale.

Sec. 3. The Board of Commissioners of Guilford County, the City Council of Greensboro, and the City Council of High Point shall also have the authority and discretion, acting in agreement (jointly or otherwise), to provide for the maintenance of the animal shelter from year to year, by contract or otherwise, and to prescribe the methods of operation as well as the scope of operation and of the activities of the animal shelter.

Sec. 4. The cost of the maintenance and operation of the animal shelter and its activities may be apportioned among Guilford County, Greensboro and High Point by agreement, or Guilford County may assume entire responsibility for the said maintenance, activities and operation. Guilford County may pay any or all of its proportionate part of the cost of the maintenance of the animal shelter and its operation from and out of proceeds of the county dog tax.

Sec. 5. The operation of the animal shelter shall be as agreed upon by the Board of Commissioners of Guilford County and the City Council of Greensboro and the City Council of High Point, which shall also have the authority to set up rules and regulations prescribing said administrative operation, and to determine any other matter necessary or proper relating to the construction, maintenance and use of the buildings and grounds comprising the animal shelter; provided, however, that if one or more of the governmental units operating the animal shelter as herein provided shall retire or withdraw from its operation, the rules and regulations for its operation shall be made by the governmental unit or units which continue to operate said animal shelter.

Sec. 6. In making all contracts and expending all funds herein authorized, the Board of Commissioners of Guilford County, the City Council of Greensboro, and the City Council of High Point shall comply with all of the applicable laws of North Carolina with respect to the awarding of contracts and expenditure of funds for public purposes by counties and municipalities.

Sec. 7. Any one or more of the three above mentioned governmental units may, with the consent of the other unit or units, withdraw from the ownership and/or maintenance of the animal shelter, and in such event the other unit or units shall proportionately bear the additional cost of ownership and/or maintenance of the said shelter, provided, however, that any change in ownership shall be in accordance with the laws of North Carolina and any applicable local laws concerning the disposition of property owned by Guilford County and the cities of High Point and Greensboro; further, the three governmental units shall be empowered to cease and discontinue operation of the said shelter at any time, as they may agree in their discretion, and in such case the property owned by the three units or any of them in conjunction with operation of the said shelter shall be disposed of in accordance with the laws of North Carolina and applicable local laws respecting disposition of property belonging to any of the said units.

Sec. 8. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. The powers granted by this Act are granted in addition to and not in substitution for existing powers of said county and cities.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 538 CHAPTER 315

AN ACT TO APPOINT THE MEMBERS OF THE BOARD OF EDUCATION OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Clyde Brown, Chan Baldwin, William Roberts, Zeno Ponder and W. T. Moore be and they are hereby appointed members of the Board of Education of Madison County. The said members hereby appointed by this Act shall qualify by taking the oath of office on or before the first Monday in April, 1955, and shall hold office until the first Monday in April, 1959, or until their successors are elected and qualified. The said board of education herein appointed by this Act shall exercise all the duties, powers and responsibilities of a county board of education, as provided by the general laws of the State, and may also exercise all powers, duties and authority conferred or that may be conferred upon it by any Private, Public-Local or Special Acts which especially relate to such County Board of Education of Madison County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. B. 624 **CHAPTER 316**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BENSON RELATING TO THE ELECTION OF THE MAYOR AND BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That Section 3 of Chapter 539 of the Session Laws of 1943, as amended, being the Charter of the Town of Benson is hereby further amended by striking out lines one (1) through seven (7) thereof and inserting in lieu thereof the following:

"Section 3. The regular election for the office of mayor and members of the board of commissioners shall be held on Tuesday after the first Monday in May, 1955, and biennially thereafter under the laws of North Carolina governing municipal elections. At the regular election held in May, 1955, and biennially, thereafter, a mayor and four commissioners shall be elected at large by the qualified voters of the Town of Benson. The mayor shall serve for a term of two years or until his successor is duly elected and qualified. The commissioners shall serve for a term of four years, provided, however, that at the municipal election to be held on Tuesday after the first Monday in May, 1955, the two commissioners receiving the largest number of votes shall serve for a term of four years and the other two commissioners elected shall serve for a term of two years. Thereafter all commissioners duly elected shall serve for a four-year term or until their successors are duly elected and qualified; there shall also be a primary election as follows:"

Sec. 2. That Section 7 of Chapter 539 of the Session Laws of 1943 be, and the same is hereby amended by adding the following sentence thereto: "Provided, the mayor may, with the approval of the board of commissioners, appoint and designate individual commissioners to specific duties or departments to discharge the administrative functions of the town government."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

S. B. 117 **CHAPTER 317**

AN ACT TO AMEND G. S. 20-116 SO AS TO PROVIDE FOR THE WIDTH, LENGTH AND HEIGHT OF VEHICLES OPERATED IN THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-116 is hereby amended by adding after subsection (i) a new subsection to be designated as "(j)" and to read as follows:

"(j) The total width of any vehicle operated as a part of the local passenger transportation system of the City of Charlotte and vicinity shall not exceed one hundred and two (102) inches, and the total length, inclusive of front and rear bumpers, of any such vehicle shall not exceed forty feet, and the height of any such vehicle shall not exceed twelve (12) feet, six (6) inches."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

S. B. 257 CHAPTER 318

AN ACT TO AMEND CHAPTER 366, PUBLIC-LOCAL AND PRIVATE LAWS OF 1939, RELATING TO COURT COSTS IN THE RECORDER'S COURT OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. Section 53(2) of Chapter 366, Public-Local and Private Laws of 1939, is amended by striking out the schedule of fees therein contained and substituting in lieu thereof the following:

"Affidavit to Obtain Warrant	$ 2.50
Warrant for Arrest	2.50
Arrest or Service of Warrant	2.50
Trial and Judgment	2.50
Police Emergency Fund	1.00
State Law Enforcement Officers' Benefit and Retirement Fund	2.00
Total	$13.00"

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

S. B. 258 CHAPTER 319

AN ACT TO VALIDATE CERTAIN JUDICIAL FORECLOSURE SALES IN EDGECOMBE COUNTY AS TO PUBLICATION OF NOTICE.

The General Assembly of North Carolina do enact:

Section 1. That all sales of real property under execution made since March 3, 1933, when the original notice of sale was published for four successive weeks, shall be and the same are in all respects validated as to publication of notice.

Sec. 2. That this Act shall apply to Edgecombe County only.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

S. B. 268 CHAPTER 320

AN ACT TO AMEND CHAPTER 243, PUBLIC-LOCAL LAWS OF 1939, THE SAME BEING AN ACT TO ESTABLISH A PENSION FUND FOR THE RETIREMENT AND DISABILITY OF MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 243 of the Public-Local Laws of 1939 be and the same is hereby amended by striking out all of subsections (a), (b) and (d) thereof, and inserting in lieu thereof the following:

"(a) The City Accountant of the City of Asheville is hereby authorized and empowered to deduct for each calendar month, beginning on July 1, 1955, five (5%) per cent of the monthly salary of every man on the city payroll of the Fire Department of the City of Asheville.

"(b) That after deducting the five (5%) per cent set out in subsection (a) of this Section the City Accountant shall pay over to the Firemen's Pension Fund the amount equal to five (5%) per cent of the total salaries set out in the above paragraph.

"(d) That on or after July 1, 1955 any member of the Fire Department who ceases to be a member thereof for any reason whatsoever may, upon written application to the Board of Examiners, be entitled to be refunded in full for all funds deducted from his monthly salary and paid into the Asheville Firemen's Pension and Disability Fund since July 1, 1955; provided that upon acceptance of said refund he thereby automatically waives any and all pension rights and is thereafter barred from any benefits or payments or any other rights under Chapter 243 of the Public-Local and Private Laws of 1939, as amended."

Sec. 2. That Section 7 of Chapter 243 of the Public-Local Laws of 1939 be amended by striking out all of said Section 7 and inserting in lieu thereof the following:

"Sec. 7. Payment for Disability in Line of Duty.—That if and in the event any member of the Asheville Fire Department qualifying under this Act shall become disabled while acting in line of his duties, and is unable to work, he shall receive monthly a sum equal to seventy (70%) per cent of his monthly salary as then paid by the City of Asheville, said seventy (70%) per cent of said monthly salary shall be paid in monthly installments by the Custodian of the Firemen's Pension Fund; provided, however, that if under the North Carolina Workmen's Compensation Act he shall receive any payments due to such disability, then the amount of such compensation payments shall be deducted from the amount of his said monthly installment, and there shall be paid from the Firemen's

Pension Fund only such amount as may be required to make up his said monthly installment: Provided, further, that if such member of the Asheville Fire Department shall be killed in the line of his duties, or shall die as a result of a disability as defined in this Section, his widow, if he be married, shall receive, so long as she remains unmarried, the same monthly installments as he would have received under this Section: Provided, further that if, under the Workmen's Compensation Act, such widow elects to take a lump sum settlement of the amount due on account of the death of her husband, then such widow, so long as she remains unmarried, shall receive from the Firemen's Pension Fund each month a sum equal to the difference between the monthly installment she would have received under the Workmen's Compensation Act and the amount of her deceased husband's monthly installment, and such payments from the Firemen's Pension Fund shall continue so long as she remains unmarried."

Sec. 3. That Section 9 of Chapter 243 of the Public-Local Laws of 1939 be amended by striking out all of said Section 9 and inserting in lieu thereof the following:

"Sec. 9. That the Mayor of the City of Asheville shall be the Chairman of a Board of Examiners to determine the officers' claims under Chapter 243 of the Public-Local and Private Laws of 1939, as amended; that the City Manager of the City of Asheville shall be a member of said board; that the Council of the City of Asheville shall elect for a term of three years and every three years thereafter a citizen of the City of Asheville who is a medical doctor to be the third member of said board; that the Police Department of the City of Asheville shall elect for a term of three years and every three years thereafter a person who is a member of said Police Department to be the fourth member of said board; that the Fire Department of the City of Asheville shall elect for a term of three years and every three years thereafter a person who is a member of said Fire Department to be the fifth member of said board, said third, fourth and fifth members shall serve until their successors are duly elected and qualified; and that said board shall have the power and authority to determine the claims of said firemen coming under the provisions of said Chapter 243 of the Public-Local and Private Laws of 1939, as amended, and their decision shall be final."

Sec. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

S. B. 275 CHAPTER 321

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF LEAKSVILLE TO REGULATE THE LOCATION OF PLACES WHERE WINE AND BEER MAY BE SOLD IN SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Leaksville, in Rock-

ingham County, is authorized, by resolution adopted, to regulate the location of places where beer and wine may be sold in said town.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

S. B. 276 CHAPTER 322

AN ACT AMENDING CHAPTER 242, PUBLIC-LOCAL LAWS OF 1939, THE SAME BEING AN ACT TO ESTABLISH A PENSION FUND FOR THE RETIREMENT AND DISABILITY OF MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 242 of the Public-Local Laws of 1939 be and the same is hereby amended by striking out all of subsections (a), (b) and (d) thereof, and inserting in lieu thereof the following:

"(a) The City Accountant of the City of Asheville is hereby authorized and empowered to deduct for each calendar month, beginning on July 1, 1955, five (5%) per cent of the monthly salary of every man on the city payroll of the Police Department of the City of Asheville.

"(b) That after deducting the five (5%) per cent set out in subsection (a) of this Section the city accountant shall pay over to the Policemen's Pension Fund the amount equal to five (5%) per cent of the total salaries set out in the above paragraph.

"(d) That on or after July 1, 1955 any member of the Police Department who ceases to be a member thereof for any reason whatsoever may, upon written application to the Board of Examiners, be entitled to be refunded in full for all funds deducted from his monthly salary and paid into the Asheville Policemen's Pension and Disability Fund since July 1, 1955; provided that upon acceptance of said refund he thereby automatically waives any and all pension rights and is thereafter barred from any benefits or payments or any other rights under Chapter 242 of the Public-Local and Private Laws of 1939, as amended."

Sec. 2. That Section 7 of Chapter 242 of the Public-Local Laws of 1939 be amended by striking out all of said Section 7 and inserting in lieu thereof the following:

"Sec. 7. Payment for Disability in Line of Duty.—That if and in the event any member of the Asheville Police Department qualifying under this Act shall become disabled while acting in the line of his police duties, and is unable to work, he shall receive monthly a sum equal to seventy (70%) per cent of his monthly salary as then paid by the City of Asheville, said seventy (70%) per cent of said monthly salary shall be paid in monthly installments by the custodian of the Policemen's Pen-

sion Fund; provided, however, that if under the North Carolina Workmen's Compensation Act he shall receive any payments due to such disability, then the amount of such compensation payments shall be deducted from the amount of his said monthly installment, and there shall be paid from the Policemen's Pension Fund only such amount as may be required to make up his said monthly installment: Provided, further, that if such member of the Asheville Police Department shall be killed in the line of his police duties, or shall die as a result of a disability as defined in this Section, his widow, if he be married, shall receive, so long as she remains unmarried, the same monthly installments as he would have received under this Section: Provided, further, that if, under the Workmen's Compensation Act, such widow elects to take a lump sum settlement of the amount due on account of the death of her husband, then such widow, so long as she remains unmarried, shall receive from the Policemen's Pension Fund each month a sum equal to the difference between the monthly installment she would have received under the Workmen's Compensation Act and the amount of her deceased husband's monthly installment, and such payments from the Policemen's Pension Fund shall continue so long as she remains unmarried."

Sec. 3. That Section 9 of Chapter 242 of the Public-Local Laws of 1939 be amended by striking out all of said Section 9 and inserting in lieu thereof the following:

"Sec. 9. That the Mayor of the City of Asheville shall be the chairman of a Board of Examiners to determine the officers' claims under Chapter 242 of the Public-Local and Private Laws of 1939, as amended; that the City Manager of the City of Asheville shall be a member of said board; that the Council of the City of Asheville shall elect for a term of three years and every three years thereafter a citizen of the City of Asheville who is a medical doctor to be the third member of said board; that the Police Department of the City of Asheville shall elect for a term of three years and every three years thereafter a person who is a member of said Police Department to be the fourth member of said board; that the Fire Department of the City of Asheville shall elect for a term of three years and every three years thereafter a person who is a member of said Fire Department to be the fifth member of said board, said third, fourth and fifth members shall serve until their successors are duly elected and qualified; and that said board shall have the power and authority to determine the claims of said policemen coming under the provisions of said Chapter 242 of the Public Local and Private Laws of 1939, as amended, and their decision shall be final."

Sec. 4. That Chapter 242 of the Public-Local Laws of 1939 be and the same is hereby amended by adding a new Section to said Act as follows:

"Sec. 14. That from and after July 1, 1955 there shall be paid to the Asheville Policemen's Pension and Disability Fund the sum of one dollar ($1.00) out of and from the costs in each and every case tried and disposed of in and by the Police Court of the City of Asheville, if and when said costs are collected; said payment to be made on the first of each and every month: Provided, however, if said costs by the judgment of the court

are reduced as much as one-half, then there shall be paid to the Asheville Policemen's Pension and Disability Fund, if and when same are collected, the sum of fifty cents (50c) in each and every case."

Sec. 5. Any and all Public, Public-Local or Private Laws heretofore enacted by the General Assembly relating to costs in the Police Court of the City of Asheville, are hereby amended so as to give full force and effect to the provisions of Section 4 of this Act.

Sec. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

S. B. 286 CHAPTER 323

AN ACT TO AMEND THE PLAN D FORM OF GOVERNMENT AS APPLICABLE TO WASHINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The provisions of G. S. 160-347, authorizing the mayor and council to elect from their membership a treasurer shall not be applicable to the City of Washington, North Carolina, which has adopted the Plan D form of government, and the said treasurer shall be elected by the mayor and council as provided by said Section but the said treasurer shall not be a member of the said council.

Sec. 2. The City Council of the City of Washington, North Carolina, shall elect the city clerk and the city attorney, and shall fix their compensation, and the provisions of G. S. 160-350 with respect to the city clerk and city attorney shall not be applicable to the City of Washington, North Carolina.

Sec. 3. This Act shall be applicable to the election of the city treasurer, city clerk and city attorney for the next fiscal year of the City of Washington, North Carolina, and for the succeeding years thereafter.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 117 CHAPTER 324

AN ACT AMENDING G. S. 162-6 FIXING THE FEES TO BE CHARGED BY THE SHERIFF AND OTHER LAW ENFORCEMENT OFFICERS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 162-6, as amended, is hereby further amended by adding the following paragraph at the end thereof:

"The Sheriff of Wake County and the Constables of the various townships in Wake County shall collect the following fees:

For serving warrant of arrest	$3.00 for each defendant.
For serving civil summons	$1.50 for each defendant.
For serving claim and delivery process	$3.00 for each defendant.
For serving attachment proceedings	$3.50 for each defendant.
For serving execution in summary ejectment proceedings	$2.00 for each defendant.
For serving capias	$3.00 for each defendant.
For serving subpoena	$1.00 for each witness."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 231 CHAPTER 325

AN ACT TO LEGALIZE AND VALIDATE AN EXTENSION OF THE BOUNDARIES OF THE TOWN OF RAMSEUR.

The General Assembly of North Carolina do enact:

Section 1. All acts done and proceedings taken by the Board of Commissioners of the Town of Ramseur for the purpose of annexing to said town certain territory described in the ordinance entitled "An ordinance to extend the corporate limits of the Town of Ramseur", adopted by such board of commissioners on the fourth day of October, one thousand nine hundred and fifty-four, a certified copy of which has been recorded in the office of the Register of Deeds of Randolph County and in the office of the Secretary of State, and for the purpose of adopting said ordinance, and all acts and proceedings taken for the purpose of calling and holding an election on the seventh day of September, one thousand nine hundred and fifty-four, at which a majority of the qualified voters of such territory voted for such annexation, are hereby legalized and validated. As provided in said ordinance the territory constituting the Town of Ramseur shall include the territory which is described in said ordinance as an area having the following boundaries, viz:

"BEGINNING at the northeast corner of the existing city limits of the Town of Ramseur, a concrete monument, and running thence South along the existing city limits line 3012.18 feet to a point in Foushee Road; thence with the various course of Foushee Road South 84 degrees 09 minutes East 503.15 feet to a point; thence North 89 degrees 40 minutes East 395.33 feet to a point; thence South 88 degrees 47 minutes East 364.89 feet to a point in Foushee Road on Reed Creek Bridge; thence leaving Foushee Road and running North 10 degrees 08 minutes East 2454.00 feet

to a point; thence North 1 degree 29 minutes West a distance of 2335.34 feet, running approximately parallel to Elam Avenue and 250.00 feet East of said Elam Avenue, crossing U. S. Highway No. 64 to a point; thence parallel to U. S. Highway No. 64 and 400.00 feet distant therefrom, South 68 degrees 53 minutes West 4135.14 feet to a point in the centerline of Liberty Street; thence with the centerline of said Liberty Street South 0 degrees 10 minutes West 192.19 feet to a point in existing North city limits line; thence with said existing North city limits line, East 2225.91 feet to the point and place of beginning, the northeast corner of existing city limits of the Town of Ramseur, Randolph County, North Carolina."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 233 CHAPTER 326

AN ACT TO AMEND GENERAL STATUTES SECTION 105-278, BY AUTHORIZING POSTPONEMENT OF QUADRENNIAL REASSESSMENT IN BERTIE COUNTY FOR 1955 AND 1956.

The General Assembly of North Carolina do enact:

Section 1. That Section 105-278 of the General Statutes of North Carolina, as contained in Volume 2C, Chapter 105, Article 13, be and the same is hereby amended by adding at the end thereof the following proviso:

"Provided, further, that the Board of Commissioners of Bertie County may, in their discretion, defer or postpone revaluation and reassessment of real property for the years 1955 and 1956. Whenever revaluation is had in Bertie County, the same may be by horizontal increase or reduction or by actual appraisal thereof, or both."

Sec. 2. That all acts and things done by the Board of County Commissioners of Bertie County in postponing the revaluation and reassessment of real property, as provided in Section 105-278 of the General Statutes as amended to all years prior to 1955 and to 1955 are hereby in all respects ratified and validated.

Sec. 3. This Act shall not affect pending litigation.

Sec. 4. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 234 CHAPTER 327

AN ACT TO VALIDATE TAX LEVIES AND TAX SALES OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all acts and things done by the Board of County Commissioners of Bertie County or done by direction of said board of county commissioners in listing property for taxes and in levying taxes for the years 1953 and 1954 are hereby in all respects ratified and validated.

Sec. 2. That the advertisements and sales of lands for failure to pay taxes to Bertie County and all acts and things done by the Board of County Commissioners of Bertie County or by the Tax Collector of Bertie County relating to the advertisements and sales of lands for failure to pay taxes to Bertie County due for the years 1952 and 1953 are hereby in all respects ratified and validated.

Sec. 3. This Act shall not affect pending litigation.

Sec. 4. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provisions, and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 264 CHAPTER 328

AN ACT TO PROVIDE FOR TRAVEL ALLOWANCE FOR TOWNSHIP CONSTABLES OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other compensation allowed by law, all township constables of Pender County shall be paid travel allowance in bringing prisoners to jail in Burgaw the sum of two dollars and fifty cents ($2.50) per prisoner where the distance traveled is over five (5) and under twenty-five (25) miles; for conveying prisoners where the distance traveled is in excess of twenty-five (25) miles, such constables shall be allowed the sum of five dolars ($5.00).

The travel expense provided for in this Section shall be made a part of the bill of costs in each criminal action wherein the travel contemplated by this Section has taken place.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 315 CHAPTER 329

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF FORSYTH COUNTY TO INVEST FUNDS NOT REQUIRED FOR IMMEDIATE USE IN SHORT TERM UNITED STATES BONDS OR NOTES.

The General Assembly of North Carolina do enact:

Section 1. When the Board of County Commissioners of Forsyth County has on hand funds of said county, which in the opinion of said board will not be needed during the next ninety (90) days or longer, said board is hereby authorized, but not directed, to invest said funds in short term United States bonds or notes.

Sec. 2. The maturity date of the bonds and notes purchased under the authority of Section 1 of this Act shall not be more then twelve (12) months after the date of said purchase.

Sec. 3. This Act shall apply only to Forsyth County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be it full force and effect from and after its ratification.

In the Central Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 392 CHAPTER 330

AN ACT TO ACTIVATE AND RECONSTITUTE THE BOARD OF CROP SEED IMPROVEMENT AND GIVE IT THE RESPONSIBILITY, IN CONJUNCTION WITH THE AGRICULTURAL EXPERIMENT STATION OF NORTH CAROLINA STATE COLLEGE OF AGRICULTURE AND ENGINEERING, AND THE SEED TESTING DIVISION OF THE DEPARTMENT OF AGRICULTURE, FOR PROMOTING THE DEVELOPMENT AND DISTRIBUTION OF PURE STRAINS OF CROP SEEDS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-269 is hereby changed and amended by striking out all of the language of such Section and substituting in lieu thereof the following:

"Sec. 106-269. Board of Crop Seed Improvement; creation and purpose. —There is hereby created a Board of Crop Seed Improvement. It shall be the duty and function of this board, in cooperation with the Agricultural Experiment Station of North Carolina State College of Agriculture and Engineering, and the Seed Testing Division of the North Carolina Department of Agriculture, to foster and promote the development and distribution of pure strains of crop seeds among the farmers of North Carolina."

Sec. 2. G. S. 106-270 is hereby changed and amended by striking out all of the language of such Section and substituting in lieu thereof the following:

"Sec. 106-270. Board Membership.—The Board of Crop Seed Improvement shall consist of the Commissioner of Agriculture, the Dean of the School of Agriculture, President of the North Carolina Foundation Seed Producers Incorporated, and the Director of Research of the School of Agriculture of North Carolina State College of Agriculture and Engineering, the Head of the Seed Testing Division of the North Carolina Department of Agriculture, and the President of the North Carolina Crop Improvement Association."

Sec. 3. G. S. 106-276 is hereby changed and amended by striking out all of the language of such Section and substituting in lieu thereof the following:

"Sec. 106-276. Supervision of certification of crop seeds.—Certification of crop seeds shall be subject to the supervision of the Board of Crop Seed Improvement. The North Carolina Crop Improvement Association is recognized as the official agency for seed certification."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 406 CHAPTER 331

AN ACT TO FIX THE FEES OF THE CLERK OF THE SUPERIOR COURT, THE SHERIFF, THE REGISTER OF DEEDS AND JUSTICES OF THE PEACE OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. On and after the first of the month following the ratification of this Act the fees to be charged by the officers of Johnston County shall be as hereinafter set out; provided, that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county.

Sec. 2. The Register of Deeds of Johnston County shall charge the following fees:

Chattel Mortgage, standard form	$ .30
Crop Lien and Chattel Mortgage, standard form	.30
Title Retaining Note with additional security, standard form	.30
Warranty Deeds, regular printed form, minimum	1.25
Trustees Deed, minimum	1.50
Mortgagees Deed, minimum	1.50
Timber Deed, minimum	1.50
Commissioners Deed, minimum	1.50
Mortgage Deed, minimum	1.50
Deeds of Trust, regular	2.00

Deeds of Trust, Building and Loan and various other medium deeds of trust	2.50
Production Credit Assn. (Provided that copies for insertion in Record Book is furnished)	.65
F. H. A.	1.00
Recording Honorable Discharge	.00
Certified copy discharge, one	.00
Additional certified copy of discharge	.50
Certified copy of Birth Certificate, Marriage Certificate, Death Certificate	.50
Birth Certificate, Marriage Certificate, furnished at request of V. A. Office	.00
Delayed Birth Certificate, filing	.50
Delayed Birth Certificate, copy	.50
Marriage License	4.00
Issuing Marriage Certificate	1.00
Right of Way Easement, minimum	1.00
Corporation Deed, minimum	1.50
Plats	1.00
Photostats of Plats to fit prescribed binder	1.50

All other paper writings, conditional sales contract, irregular title retaining notes, medium and long form deeds of trust should be charged at the rate of fifty cents (50c) for the first 300 words and fifteen cents (15c) for each additional 100 words.

Typewritten instruments, double spaced, one dollar ($1.00) for the first page and fifty cents (50c) for each additional page.

Typewritten instruments, single spaced, one dollar ($1.00) for the first page and one dollar ($1.00) for each additional page.

Sec. 3. The Sheriff of Johnston County shall charge the following fees:

Claim and Delivery, each defendant	$3.00
Civil Papers, each defendant	2.00
Warrants, each defendant	3.00
Executions, each defendant	3.00
Subpoenas, each person	1.00
Capias, each defendant	3.00
Attachment Proceeding, each defendant	3.00
Ejectment Proceeding, each defendant	2.00
Order, each defendant	2.00

Sec. 4. The Clerk of the Superior Court of Johnston County shall charge the following fees:

Probate of Chattel Mortgage, short form	$ .10
Any Affidavit	.25
Civil Action Appeal from Justice of the Peace	1.00
Same appeal from Clerk to Judge	1.00
Appeal to Supreme Court	2.00
Appointing and qualifying as Justice of the Peace	1.25
Attachment ordered	1.00
Preparing Bill of Cost	.25

Bond or Undertaking	1.00
Cancelling Notice of Lis Pendens	.25
Capias	1.00
Caveat to Will	5.00
Any certificate not charged against the county	.25
Commission	.25
Continuance	.50
Docketing Ex Parte Proceedings	1.00
Docketing Indictment	.50
Docketing Liens and Indexing, 10c per copy sheet	.25
Docketing Judgment	.45
Docketing Summons	.25
Execution and Return, including docketing	.50
Any Certification Return to Clerk where judgment is docketed	.50
Filing all papers	.50
Appointment of Guardian, including taking Bond and Justification	2.50
Impaneling Jury	.10
Indexing Judgment on Cross-Index Book	.10
Indexing Liens on Lien Book	.10
Indictment, each defendant in the bill	1.00
Injunction, order for, including taking bond or undertaking and justification	1.00
Judgment, final, in term time, civil action	2.00
Judgment, final, against each defendant in criminal actions	2.00
Judgment, final, before Clerk	1.00
Judgment, by confession, without notice, all services	3.00
Judgment, Widow for Year's Support	.50
Judgment Nisi	1.00
Juror ticket, each	.10
Justification of Sureties on any bond or undertaking	.50
Letters of Administration, including Bond and Justification of sureties	2.50
Motions	.25
Notices	.25
For each name over one in same paper	.10
Notifying Solicitors of removal of guardian	1.00
Order extending time for pleading in Special Proceeding and Civil Actions and Recording	1.00
Order of Arrest	1.00
Order for Registration of Deed or other writing	.25
Postage—Actual amount necessarily expended or Telephone or Telegraph Presentment, each person presented	.25
Probate of a Deed	.25
Probate of Limited Partnership	.50
Probate of Will and Letters Testamentary	3.50
Recognizance, each party where no bond is taken	.25
Recording and copying papers, per copy sheet	.10

Recording appointment of process agent for nonresident	.50
Recording names, Qualification and Expiration of term of office, of Justice of the Peace, per name	.05
Registering trained nurses, including certificate	.50
Recording Certificates of Incorporation of Corporations, plus 10c per copy sheet	3.00
Resignation of Guardian, relinquishment of right to administer, or to qualify as Executor, receiving filing and noting same	.25
Seal of Office when necessary	.25
Subpoena, each name	.15
Summons	1.00
For every copy of Summons	.25
Transcript of Judgment and Indexing	.50
Transcript of any matter of record or papers on file, per copy sheet	.10
Trial of any cause pursuant to order of the Judge, such allowance as the Judge may make.	

Sec. 5. Justices of the Peace of Johnston County shall charge the following fees:

Attachment with one defendant	$1.00
Attachment for each additional defendant	.25
Transcript of Judgment	.25
Summons	.50
For each additional defendant in same case	.25
Subpoena for each witness	.15
Trial when issues are joined	1.00
If no issues are joined, for trial and judgment	.50
Taking an Affidavit, Bond or Undertaking	.60
Jury Trial and entering verdict (civil)	3.00
Execution	.50
Renewal of Execution	.25
Return to an Appeal	.50
Order of arrest in Civil Actions	1.00
Warrant of Arrest in Criminal and Bastardy cases, including Affidavit or Complaint	1.00
Warrant of Commitment	.50
Taking Depositions on Order of Commission, per 100 words	.15
Garnishment for taxes and making necessary return and certificate of same	1.00
For jury trial and entering verdict (criminal)	3.00
Hearing Petition for Widow's Year's Allowance, issuing notice to Commissioners and allotting same	1.00
Filing and Docketing Labor's Liens	1.00
Probate of a Deed or other writing proved by witness	.25
Probate of Chattel Mortgage	.10
Issuing papers and copies in action for Claim and Delivery and trial of same, if issues are joined, one defendant	2.00

More than one defendant in action, each ..... .50
Each Subpoena issued in said cause ..... .15
Taking Replevy Bond ..... .50

Sec. 5½. Each Justice of the Peace in Johnston County is hereby required to obtain a copy of the schedule of fees as set forth in this Act from the Clerk of Superior Court and same be used in computing the bill of cost in each court action.

Sec. 6. The Board of County Commissioners of Johnston County is authorized, in its discretion, to increase or decrease the fees fixed in this Act not to exceed twenty per cent (20%) during any one fiscal year.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 419 CHAPTER 332

AN ACT TO AMEND SECTION 15-20 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ISSUANCE OF WARRANTS SO AS TO AUTHORIZE THE ISSUANCE OF A SUMMONS INSTEAD OF A WARRANT OF ARREST IN MISDEMEANOR CASES.

The General Assembly of North Carolina do enact:

Section 1. That Section 15-20 of the General Statutes of North Carolina be, and the same is hereby, amended by adding at the end thereof a new paragraph to read as follows:

"In all cases of misdemeanors any officer authorized by law to issue warrants in criminal actions may issue a summons instead of a warrant of arrest when he has reasonable ground to believe that the person accused will appear in response to the same. The summons shall be in the same form as the warrant except that it shall summon the defendant to appear before a magistrate, or some officer having the jurisdiction of a magistrate, at a stated time and place. If any person summoned fail, without good cause, to appear as commanded by the summons, he may be punished by a fine of not more than twenty-five dollars ($25.00). Upon such failure to appear the said officer shall issue a warrant of arrest. If after issuing a summons the said officer becomes satisfied that the person summoned will not appear as commanded by the summons he may at once issue a warrant of arrest. In all proceedings held pursuant to said summons the hearing and trial shall be upon the summons in the same manner and with the same effect as if the hearing and trial were on a warrant."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 439 CHAPTER 333

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF GUILFORD COUNTY TO FIX AND DETERMINE THE FEES AND COMMISSIONS TO BE CHARGED BY THE CLERK OF THE SUPERIOR COURT, THE SHERIFF, AND THE REGISTER OF DEEDS OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Guilford County is authorized and empowered to fix and determine the fees and commissions to be charged and collected by the Clerk of the Superior Court, the Sheriff, and the Register of Deeds of Guilford County; and this authority shall be a continuing one and it may be exercised as often and whenever it seems wise to said board. This authority shall also include the right to change any existing fees and commissions, or fix future or additional fees and commissions.

Sec. 2. The power conferred by Section 1 of this Act shall be in the discretion of the board of county commissioners and exercised by a resolution of said board duly adopted and spread upon the minutes of said board and indexed in the Index Book of the Minutes of said board, and a copy of said resolution shall be furnished the officer affected by the resolution, but no change shall be made in the fees and commissions of any of said officers without the written consent of said officer.

Sec. 3. The fees and commissions presently charged in Guilford County shall remain in force until they are changed by resolution under this Act or by some other lawful authority.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

Sec. 5. This Act shall apply only to Guilford County.

Sec. 6. That all laws and clauses of laws in conflict herewith are hereby repealed.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 461 CHAPTER 334

AN ACT RELATING TO UNCLAIMED FEES OF WITNESSES IN THE RECORDER'S COURT OF THOMASVILLE.

WHEREAS, the Recorder's Court of the City of Thomasville was created under authority contained in Chapter 647, Public-Local Laws of 1911; and

WHEREAS, Section 16 of said Act provides that all costs collected by said court shall be paid into the General Fund of the City of Thomasville to reimburse the city for salaries paid by it to the Recorder, the Solicitor

and the Clerk of said Court and for other expenses of operating the court; and

WHEREAS, approximately fifteen hundred dollars ($1500.00) in unclaimed witness fees have accumulated in the office of the Clerk of said Court: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All monies due witnesses paid into the office of the Clerk of the Recorder's Court of the City of Thomasville prior to January 1, 1955, and which have not been claimed by said witnesses, shall be paid by the Clerk of said Court to the Treasurer of the City of Thomasville for the use of the general fund of said city.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 475 CHAPTER 335

AN ACT TO PROVIDE FOR BETTER PROTECTION OF MAPS, PLATS, BLUEPRINTS OR OTHER DRAWINGS FILED FOR REGISTRATION IN THE OFFICE OF THE REGISTER OF DEEDS FOR STOKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In order to permanently preserve all maps, plats, blueprints or other drawings of land required or desired to be recorded in the office of the Register of Deeds of Stokes County, all such maps, plats, blueprints or other drawings so offered for registration must be prepared upon paper known to the trade as linen tracer paper and must be of the same size and dimensions as is now required in Stokes County.

Sec. 2. The Board of Commissions of Stokes County is hereby authorized, in its discretion, to furnish the necessary books or binders for said maps, plats, blueprints or other drawings and the register of deeds of said county shall not be required to accept for registration any map, plat, blueprint or other drawing which does not conform with the requirements of this Act. The registration fee prescribed by law shall be charged and collected for each and every map so registered.

Sec. 3. The Board of Commissioners of Stokes County is hereby authorized and empowered, in its discretion, to have any or all of the maps, plats, blueprints or other drawings now filed in the office of the Register of Deeds of Stokes County photostated or repaired so as to conform to the provisions of this Act.

Sec. 4. All laws or clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 480 CHAPTER 336

AN ACT AMENDING G. S. 115-182 SO AS TO ALLOW THE JUSTICES OF THE PEACE OF BRUNSWICK COUNTY COMPENSATION FOR ISSUING WARRANTS AND FIXING BOND IN CASES IN WHICH THE BOND IS FORFEITED.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-182 be and the same is hereby amended by adding at the end thereof the following:

"Provided that the various justices of the peace of Brunswick County shall be entitled to compensation in the amount of one dollar ($1.00) in each case in which a justice of the peace issues a warrant and fixes bond in a criminal case and said bond is forfeited by the procedure set out in Article 11, Chapter 15, of the General Statutes. Said compensation shall be paid from the collection of the forfeiture and not otherwise. The Clerk of the Superior Court shall deduct said sum after said bond is forfeited and before forwarding the balance to the Board of Education of Brunswick County and shall remit the sum so deducted to the proper justice of the peace."

Sec. 2. The provisions of this Act shall be retroactive to January 1, 1954, and the Board of Education of Brunswick County is authorized to pay over to the various justices of the peace the amounts due them prior to the effective date of this Act, provided written application for the same shall be filed with said Board of Education prior to July 1, 1955.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 481 CHAPTER 337

AN ACT FIXING THE SALARIES AND EXPENSE ACCOUNTS OF CERTAIN OFFICIALS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section. 1. The Board of Commissioners of Brunswick County is hereby authorized and empowered to fix in its discretion the compensation of all non-elective county officials and employees, including jailer, night watchman, janitor, deputy sheriff, deputy register of deeds, Assistant and Deputy Clerks of the Superior Court, tax collector and his deputy, county auditor and his deputy, Solicitor of the Recorder's Court, and county attorney, and also the travel allowance of the deputy sheriffs. The salaries and travel allowances now received by the officials and employees included

herein shall remain as now fixed until changed by the board of county commissioners: Provided that the board of county commissioners is authorized to make changes in said compensation and travel allowances retroactive to January 1, 1955, provided action on the matter is taken by the board on or before April 30, 1955.

Sec. 2. In addition to any other compensation provided for by law, if the Coroner of Brunswick County shall be investigating two deaths at the same time, he shall be entitled to compensation at the rate of ten dollars ($10.00) per day in each case.

Sec. 3. The Board of County Commissioners of Brunswick County may from time to time, in its discretion, increase or decrease the salaries of the elected officials of said county in an amount not to exceed 15% within any period of twelve months: Provided that when such increases or decreases in compensation are made, the same shall be applied equally to all such county officials.

Sec. 4. The salaries and fees herein fixed shall be in full compensation for all duties performed by the officials and employees herein named.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 488 CHAPTER 338

AN ACT TO FIX THE FEES OF THE SHERIFF AND OTHER LAW ENFORCEMENT OFFICERS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. On and after the first of the month following the ratification of this Act the fees to be charged by the sheriff and other law enforcement officers of Wake County shall be as hereinafter set out; provided, that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county.

Executions $2.00

Commissions on collection of Executions,

5 per cent on first $500.00

2½ per cent on all amounts collected over $500.00

Laying off homestead, for officer 3.00

To commissioners for laying off homestead, each 6.00

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 511 **CHAPTER 339**

AN ACT TO AMEND CHAPTER 315 OF THE PRIVATE LAWS OF 1911, AS AMENDED, BEING THE CHARTER OF THE TOWN OF CARRBORO.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 315 of the Private Laws of 1911, as amended, is further amended by adding at the end thereof the following:

"That the governing body of the Town of Carrboro is authorized and empowered to extend the sewer system and the water system of the Town of Carrboro outside and beyond the Town of Carrboro limits so that the residences and territory surrounding said town (exclusive of the area within the corporate limits of the Town of Chapel Hill) may be provided with sewer services and a water supply, and to that end the Board of Commissioners of the Town of Carrboro is authorized and empowered to construct sewer systems and water lines outside of the limits of the town and within a distance of two miles from the present town limits, or as the limits may from time to time be extended, and further to that end the said governing body of the Town of Carrboro is authorized and empowered to acquire by purchase, or gift, or otherwise, any sewer system or water system now in existence or hereafter constructed within the area hereinbefore designated. That the governing body of the Town of Carrboro shall have the authority to charge and collect a sewer rental or fee on all houses or buildings connected with such extension or extensions of the sewer system of the said town beyond the limits of the said town and to levy special assessments as is provided by the general laws, which rentals and assessments shall be deemed and are hereby declared a lien against the property served, and the officer charged with the collection of the same shall have the power to collect by distress and sale as provided for the collection of ad valorem taxes.

"That the governing body of the Town of Carrboro is authorized and empowered in its discretion to sell water and its services for the collection of trash and garbage outside of and beyond the town limits of the said town and to charge rental or fee therefor. The governing body of the Town of Carrboro is authorized and empowered, in its discretion, to permit persons living or conducting a business outside of the town limits of the said town to dump trash or garbage on the town property designated for that purpose and to charge an assessment or fee therefor."

Sec. 2. All laws and clauses of laws, if any, in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 513 CHAPTER 340

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF ROWAN COUNTY TO SELL OR CONVEY ALL OR ANY PART OF THOSE TWO TRACTS OF LAND KNOWN AS THE COUNTY FARM PROPERTY AND FORMERLY USED BY SAID COUNTY IN CONNECTION WITH THE OPERATION AND MAINTENANCE OF THE COUNTY HOME FARM.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Rowan County is hereby authorized and empowered to sell at either public auction or private sale all or any part of those two tracts of land owned by said county and known as the County Farm Property and formerly used by said county in connection with the operation and maintenance of the County Home Farm when said board shall find as a fact that the property to be sold is no longer needed for public purposes. If said sale shall be made at public auction, notice of sale shall be published once a week for four successive weeks in a newspaper of general circulation in the county and a copy of said notice shall be posted at the courthouse door for thirty days immediately preceding such sale. After any such public sale, the board of county commissioners is authorized to reject any bid, which, in the opinion of the board, does not represent the fair market value of said lands. If, after public auction, the board of county commissioners rejects the highest bid so made, further public auctions may be held or said lands may be sold at private sale at a higher price than that offered as the highest bid at the public auction.

Sec. 2. In carrying out the provisions of this Act, the Board of Commissioners of Rowan County is authorized to execute all necessary deed or deeds conveying to the purchaser or purchasers title to the lands described in this Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 525 CHAPTER 341

AN ACT TO AMEND CHAPTER 509 OF THE SESSION LAWS OF 1951 TO CORRECT THE DESCRIPTION OF THE CORPORATE LIMITS OF THE TOWN OF DUBLIN IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 509 of the Session Laws of 1951 be and the same is hereby amended by striking out Section 2 of said Chapter and inserting in lieu thereof a new Section as follows:

"Section 2. The corporate limits of the said Town of Dublin shall be as follows:

Beginning at a United States Government triangulation stone on the North edge of N. C. State Highway 87, and runs thence South 87 degrees 10 minutes East 1516 feet crossing the old Cotton Road, to a stake in a branch; thence South 10 degrees West 2000 feet to a stake near the Southern Peanut Company Plant; thence South 50 degrees 45 minutes East, crossing the Dublin School Grounds, to corner of the church lot, in the Townsend line, 4100 feet to a stake just East of the Townsend Farm Road; thence at right angle to above line South 39 degrees 15 minutes West 500 feet to the center of N. C. State Highway 87; thence continuing South 39 degrees 15 minutes West 746 feet to the southern right of way line of the Virginia and Carolina Southern Railroad; thence as the southern right of way line of the said railroad North 50 degrees 45 minutes West 3085 feet to corner of the old town limits, it also being a corner of Lot #135 in the Robeson Development Company old survey; thence as the line of the said Robeson Development Company old survey, South 48 degrees 30 minutes West 610 feet to the southeast corner of Lot #320 in the said old survey, in a ditch; thence North 59 degrees West 700 feet to the southeast corner of Lot #344 of said Robeson Development Company old survey; thence North 54 degrees 30 minutes West 620 feet to stake in the edge of a field; thence South 70 degrees West 580 feet to stake on the West edge of the old Cotton Road, Charlie Brisson's corner; thence as his line North 40 degrees West, crossing N. C. State Highway (No. 410) 707.5 feet to the eastern edge of First Street extended; thence North 40 degrees West 50.9 feet to the western edge of First Street extended; thence with the western edge of First Street extended, North 39 degrees 15 minutes East 1100 feet to the southern right of way line of the Virginia and Carolina Southern Railroad; thence crossing said railroad North 18 degrees 30 minutes East 2140 feet to the beginning."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 533 CHAPTER 342

AN ACT TO VALIDATE SALES OF REAL PROPERTY MADE BY THE TOWN OF TAYLORSVILLE IN ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All conveyances of real property heretofore made by the officials of the Town of Taylorsville in Alexander County are hereby in all respects confirmed, ratified and validated.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 542 **CHAPTER 343**

AN ACT TO AMEND G. S. 7-69 SO AS TO INCREASE THE NUMBER OF JUDICIAL DIVISIONS FROM TWO TO FOUR.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-69 is hereby amended and rewritten to read as follows: G. S. 7-69. Number of judicial divisions.—The State shall be divided into four judicial divisions. The counties included in judicial districts from one to eight, both inclusive, shall constitute the first division; the counties included in judicial districts from nine to sixteen, both inclusive, shall constitute the second judicial division; the counties included in the judicial districts from seventeen to twenty-three, both inclusive, shall constitute the third division; the counties included in judicial districts from twenty-four to thirty, both inclusive, shall constitute the fourth division.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 543 **CHAPTER 344**

AN ACT TO EXTEND THE TIME FOR THE ALAMANCE COUNTY BOARD OF EQUALIZATION AND REVIEW TO COMPLETE ITS WORK IN 1955.

WHEREAS, it is deemed impossible for the Alamance County Board of Equalization and Review to complete its duties within the time specified and set forth in the general State law; and

WHEREAS, it is necessary for the Alamance County Board of Equilization and Review to have additional time within which to complete its duties in the year 1955; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Alamance County Board of Equalization and Review shall hold its first meeting as it is required to do under the State law, but it is authorized to adjourn from time to time, as its duties may require, and it shall be allowed until the first day of July, 1955, to complete its duties as such board of equalization and review, and it shall complete its duties as such board not later than the first day of July, 1955.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 544 **CHAPTER 345**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WINTERVILLE IN PITT COUNTY TO RE-DEFINE THE CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Section 1. That Section 2, Chapter 95 of the Private Laws of 1897 as amended by Section 1, Chapter 256 of the Private Laws of 1899, by Section 2, Chapter 423 of the Private Laws of 1907 and by Chapter 47 of the Private Laws of 1909, all relating to the corporate limits of the Town of Winterville, are hereby amended and reformed so as to re-define said corporate limits as follows: Beginning at a point in the center of the Atlantic Coast Line Railroad, said point being 2133 feet in a southerly direction from the intersection of Main Street and the said Railroad, and runs North 69 degrees no minutes West 798 feet to a stake on a ditch A.D. McLawhorn field; thence North 2 degrees 30 minutes West 1790 feet to the center of Main Street; thence North 3 degrees 20 minutes East 208 feet with a ditch R. E. Davenport-W. A. Smith line; thence North 27 degrees thirty minutes East 76 feet with a ditch R. E. Davenport-W. A. Smith line; thence North 1 degree no minutes East 687 feet with a ditch R. E. Davenport to a stake; thence North 14 degrees no minutes East 954 feet to Miry Branch Canal; thence North 11 degrees 45 minutes East 797 feet to north side of road (with ditch); thence North 41 degrees 45 minutes East 300 feet to Henry Garris Land; thence South 82 degrees 30 minutes East 795 feet with a ditch to center N. C. Highway No. 11; thence South 82 degrees 30 minutes East 1330 feet to center of Atlantic Coast Line Railroad; thence South 82 degrees 30 minutes East 659 feet to a stake on a ditch Langston-Cox line; thence South 6 degrees 30 minutes West 2132 feet to a stake; thence South 84 degrees 45 minutes East 761 feet to R. L. Worthington northeast corner; thence South 7 degrees 30 minutes West 646 feet with R. L. Worthington line to center Main Street; thence South 37 degrees 15 minutes West 268 feet to A. W. Ange northeast corner; thence South 20 degrees 45 minutes West 1334 feet to a stake on a ditch Hunsucker-Lane line; thence South 8 degrees no minutes West 796 feet across the Lane field to a stake east side of road; thence North 67 degrees 45 minutes West 1600 feet to Durwood Worthington northeast corner, fork of ditch; thence South 22 degrees 30 minutes West 970 feet to Carl Worthington southeast corner; thence North 67 degrees no minutes West 736 feet to center Atlantic Coast Line Railroad; thence 494 feet in a northerly direction with the said Railroad to the beginning.

Sec. 2. This law shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 553 **CHAPTER 346**

AN ACT TO ESTABLISH CRIMINAL PENALTIES FOR FAILURE TO LIST DOGS FOR TAXES, FOR FAILURE TO CAUSE DOGS TO BE VACCINATED AGAINST RABIES IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It should be the duty of every owner or keeper of a dog in Cumberland County to list the same for taxes at the same time and place that other personal property is listed, and the various tax listers in Cumberland County shall have proper abstracts furnished them for listing dogs for taxation, and any person failing or refusing to list such dog or dogs shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty (30) days.

Sec. 2. It shall be the duty of the owner of each and every dog over four months of age in Cumberland County to have the same vaccinated against rabies in accordance with the statutes contained in Part 7 of Article 34 of Chapter 106 of the General Statutes, as the same appears in the Cumulative Supplement of 1953. The owner of each and every dog over four months of age in Cumberland County who fails to cause his or her said dog or dogs to be vaccinated within the time prescribed by law and in accordance with the statutes above referred to shall be guilty of a misdemeanor and in addition to any and all other penalties provided by law shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 556 **CHAPTER 347**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY TO CONVEY WITHOUT CONSIDERATION ANY PROPERTY, REAL OR PERSONAL, TO THE UNITED STATES, THE STATE OF NORTH CAROLINA OR TO ANY COUNTY, AS WELL AS THE AGENCIES OF SAID UNITS OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Cumberland County is hereby authorized and empowered to convey without consideration any property owned by said county, real or personal, to the United States, the State of North Carolina or to any county of the State of North Carolina, or to any agency of said units of government. The Board of County Commissioners of Cumberland County is hereby authorized and empowered to execute any and all deeds, instruments and documents to make such con-

veyance of real or personal property to said units of government and their agencies, provided, always, that in each and every case and in each and every conveyance said deed or instrument of conveyance of whatsoever nature or kind shall contain proper clauses of limitation, reverter, reversion or defeasance, or any and all clauses in said deeds or instruments that may be necessary to cause said property to automatically and at once revert to Cumberland County if and when the property so conveyed is not used for the purposes for which it is conveyed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 561 CHAPTER 348

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN MITCHELL COUNTY IN THE SEVENTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That portion of G. S. 7-70 fixing the terms of Superior Court in Mitchell County in the Seventeenth Judicial District is amended by striking out in line two of said portion the words "Civil Cases only" and inserting in lieu thereof the words "trial of Civil and Criminal Cases".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 563 CHAPTER 349

AN ACT TO AMEND G. S. 15-5 SO AS TO GIVE THE BOARD OF COUNTY COMMISSIONERS OF CRAVEN COUNTY AN OPPORTUNITY TO BE HEARD BEFORE ALLOWING ANY FEE TO COUNSEL APPOINTED TO DEFEND A PRISONER CHARGED WITH A CAPITAL OFFENSE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-5 is amended by adding at the end thereof a paragraph to read as follows:

"In Craven County, in such cases, before allowing any fee, the judge shall give the board of county commissioners of said county an opportunity to be heard, and the hearing may be held and the order may be entered making such allowance either in or out of term."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 573 CHAPTER 350

AN ACT TO AUTHORIZE WARREN COUNTY TO QUITCLAIM TITLE TO CERTAIN PROPERTY IN WHICH IT HAS NO INTEREST OR INVESTMENT.

WHEREAS, by deed dated the 8th of August, 1948, recorded in the office of the Register of Deeds of Warren County in Book 166, at page 268, Sammy D. King and wife, Susie King, conveyed to the Board of County Commissioners of Warren County three lots of land in the Town of Littleton; and

WHEREAS, Warren County paid no consideration for the deed, and according to the minutes of the board of county commissioners, never accepted title to the property conveyed; and

WHEREAS, Warren County has never used said property and has no investment in the same, and apparently the execution of the conveyance was inadvisably performed and was a mutual mistake on the part of all parties concerned: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Upon the payment to Warren County and the Town of Littleton of all taxes which would have accrued to Warren County and the Town of Littleton had the conveyance never been executed and upon the reimbursement to Warren County of all insurance premiums which may have been paid for policies on the building located on said lots and any and all other amounts which may have been expended by Warren County for upkeep of and repairs on said property, the Board of County Commissioners of Warren County is authorized to quitclaim and convey to Sammy D. King and wife, Susie King, all the right, title and interest which it may have in the three lots referred to in the preamble of this Act.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 574 CHAPTER 351

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF WARREN COUNTY TO LEASE A BUILDING AND THE LAND ON WHICH THE SAME IS SITUATED, KNOWN AS "PERSON'S ORDINARY", TO THE WOMAN'S CLUB OF LITTLETON, NORTH CAROLINA, FOR PURPOSE OF RESTORATION AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The County Board of Education of Warren County is here-

by authorized and empowered, in its discretion, to lease to the Woman's Club of Littleton, North Carolina under such terms, conditions and considerations as the said board shall deem proper, and for such length of time as the said board shall deem proper, a certain tract of land and the building or structure on said tract of land known as "Person's Ordinary" which is a building of historical significance, having been used in former days as a tavern. The said structure and the tract of land on which the same is located are a part of the grounds of what is now known as Littleton High School.

Sec. 2. In addition to the terms and conditions upon which said structure or building may be leased, which are entirely within the discretion of the said Board of Education of Warren County, there shall be included in any instrument of lease executed under the provisions and authority of this Act, proper clauses of limitation or reversion to the end that if said property or structure known as "Person's Ordinary" ceases to be used for restoration, historical and such other uses and purposes as the said board may designate, then and in that event the said lease shall be null and void and the land and structure known as "Person's Ordinary" shall immediately revert to the said Board of Education of Warren County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 596 CHAPTER 352

AN ACT TO EXTEND THE TIME FOR THE CHATHAM COUNTY BOARD OF EQUALIZATION AND REVIEW TO COMPLETE ITS WORK IN 1955.

WHEREAS, it is deemed impossible for the Chatham County Board of Equalization and Review to complete its duties within the time specified and set forth in the general State law; and

WHEREAS, it is necessary for the Chatham County Board of Equalization and Review to have additional time within which to complete its duties in the year 1955: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Chatham County Board of Equalization and Review shall hold its first meeting as it is required to do under the State Law, but it is authorized to adjourn from time to time, as its duties may require, and it shall be allowed until the thirtieth day of June, 1955, to complete its duties as such Board of Equalization and Review, and it shall complete its duties as such board not later than the thirtieth day of June, 1955.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

H. B. 601 CHAPTER 353

AN ACT AMENDING G. S. 106-372 SO AS TO CREDIT THE VACCINATION FEE ON DOG TAX WHEN PAID TO TAX COLLECTOR OF WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-372 is hereby amended by inserting after the word "vaccinated" and before the word "Any" in line four of said Section the following phrase set off by a comma: "the same to be credited on the dog tax when certificate of vaccination is presented to the tax collector of Washington County".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1955.

S. B. 196 CHAPTER 354

AN ACT TO AMEND CERTAIN SECTIONS OF ARTICLE 2 OF CHAPTER 106 OF VOLUME 3A OF THE GENERAL STATUTES, RELATING TO THE NORTH CAROLINA FERTILIZER LAW.

The General Assembly of North Carolina do enact:

Section 1. Amend subsection (q) of G. S. 106-50.3 of Volume 3A by striking out the word "being", as the same appears in the third line of said subsection (q).

Sec. 2. Amend subsection (a) of G. S. 106-50.5 of Volume 3A by striking out the word "and", as the same appears after the figures "50" and before the figures "99", in the 10th line of said subsection of said Section, and by inserting in lieu thereof the word "to".

Sec. 3. Subsection (c) of G. S. 106-50.7 of Volume 3A is hereby rewritten so that said subsection shall hereafter read as follows:

"The methods of analysis shall be those adopted as official by the Board of Agriculture and shall conform to sound laboratory practices as evidenced by methods prescribed by the Association of Official Agricultural Chemists of the United States. In the absence of methods prescribed by the board, the commissioner shall prescribe the methods of analysis."

Sec. 4. The last sentence of subsection (c) of G. S. 106-50.8 of Volume 3A is hereby rewritten so that said last sentence shall read as follows:

"Such sums as shall be found to be payable to consumers on lots of fertilizer against which said penalties were assessed shall not be subject to claim by the consumer after twelve months from the date of assessment."

Sec. 5. Amend G. S. 106-50.18 by striking out the word "had", as the same appears in the sixth line of said Section, and by inserting in lieu thereof the word "has".

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1955.

S. B. 201 **CHAPTER 355**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PRINCEVILLE, IN EDGECOMBE COUNTY, SO AS TO INCREASE THE RATE OF TAX ON PROPERTY WHICH MAY BE LEVIED THEREIN.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 29 of the Private Laws of 1885, as amended by Chapter 418 of the Private Laws of 1905, and as may have been further amended by Public-Local and Private Acts of the General Assembly, is amended so as to authorize the governing board of said town to levy an annual tax of not to exceed one dollar ($1.00) on each one hundred dollars ($100.00) valuation of real and personal property situate therein.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1955.

S. B. 278 **CHAPTER 356**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF JACKSONVILLE TO IMPROVE CERTAIN STREETS BY LOCAL PROPERTY ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. In order to provide for the safety and general welfare of the inhabitants of the City of Jacksonville, North Carolina, the city council is hereby authorized to improve the streets and sidewalks of Jacksonville in accordance with the provisions of this Act.

Sec. 2. That the City Council of the City of Jacksonville whenever any street, curb and gutter or sidewalk or part of a street, curb and gutter

or sidewalk is unsafe and dangerous to the general public, or whenever the paving or repaving of any street or sidewalk or part thereof is necessary in order to connect streets, curb and gutter or sidewalks already paved, or whenever the paving of any street is necessary in order to connect any paved portion of any street with a paved highway, or whenever the paving of any street or sidewalk or part thereof is necessary to provide a paved approach to any railroad underpass, overpass, grade crossing, or other bridge, or whenever any paved street or part thereof has been widened if in such case, in the opinion of the city council public interest required that said improvement be made, and if, in the opinion of the city council the abutting property will be benefited by said improvement to the extent of the part of the cost thereof to be assessed against such abutting property, the city council may without petition of the property owners order the making of such improvement, and may assess the cost thereof or such portion as they deem proper against the abutting property in proportion to the distance such abutting property abuts upon such street or sidewalk improvement.

Sec. 3. Whenever the city council deems necessary to act under the preceding Section, they shall by resolution declare what streets or street, sidewalk or sidewalks, curb and gutter, or parts thereof, are to be so improved, the manner in which the same is to be improved, and cause notice to be given to the owners of the land abutting on such street or sidewalk to be so improved without petition, and after said notice shall have been given, and published for at least twenty (20) days, and the owners of lands abutting thereon shall be notified by registered mail to appear before the city council at a time and place to be designated in the notice to be fixed by the city council and the said council after the said hearing shall by resolution determine that the cost of said improvement or any part thereof shall be assessed against the owners of lands abutting upon said improvement according to an equal rate per front foot and the said improvement shall be made and the cost thereof as ordered by the city council shall be assessed and collected as other assessments for street improvements.

Sec. 4. The powers granted to the City of Jacksonville by this Act shall be supplementary to the authority granted to the municipality for local street improvements by the General Statutes.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 29th day of March, 1955.

S. B. 285 CHAPTER 357

AN ACT TO PROVIDE FOR THE INVESTMENT OF SURPLUS FUNDS OF GRANVILLE COUNTY AND OF THE MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

Section 1. On or after July 1, 1955, the appropriate fiscal agent of

Granville County, or the appropriate fiscal agent of any municipality of said county, is authorized, upon approval by the board of county commissioners, or with the approval of the governing board of the municipality concerned, to place the surplus funds of the county or municipality concerned on time deposit at interest in some bank or trust company designated by the board of county commissioners or the governing board of the municipality as the case may be, or to invest all or any portion of such surplus funds, upon approval by the board of county commissioners, or with the approval of the governing board of the municipality concerned, in either bonds, notes, or certificates of indebtedness of the United States of America; or in bonds or notes of an agency or instrumentality of the United States of America, the payment of principal and interest of which is guaranteed by the United States of America; or in bonds or notes of the State of North Carolina; or in shares of any building and loan association organized and licensed under the laws of the State, or in shares of any Federal savings and loan association organized under the laws of the United States with its principal office in this State, to the extent that such investment is insured by The Federal Savings and Loan Insurance Corporation.

When the United States Government Securities hereinbefore mentioned are purchased and sold in New York City, New York, or in Richmond, Virginia, or in Charlotte, North Carolina, and it is not deemed practical to actually transport any or all such securities from the cities hereinbefore mentioned to or from the county seat of Granville County, or to or from the municipality concerned, to any of the cities hereinbefore mentioned upon the purchase or sale of such securities, the fiscal agent concerned, upon authority of the board of county commissioners, or the governing body of the municipality concerned, is hereby authorized to name a bank or banks with which such securities may be left in a safekeeping account whether in the name of Granville County, or in the name of the municipality concerned, or in the name of a bank or trust company designated by the governing board of the county or municipality concerned, and designated by the governing board as the case may be, as a bank which may hold such securities in its customer's account with a bank in any of the three cities hereinbefore mentioned likewise designated by the board concerned. No security shall be required for the protection of security or investments thus held for safekeeping. No officer or employee of the County of Granville, or the municipality concerned, including the officer or employees having charge or custody of such funds, or the surety or sureties on any official bond shall be liable for any losses sustained when United States securities and investments are deposited or left with any bank or banks in the manner hereinabove authorized.

Prior to June 30, 1955, the fiscal agent of the county or municipality as the case may be, is authorized, upon approval by the board of county commissioners, or with the approval of the governing board of the municipality concerned, to make such deposits of surplus funds or to make such investments as hereinbefore set out and in the manner hereinbefore described

with the advice and counsel of the governing board of the county or municipality concerned.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1955.

S. B. 346 CHAPTER 358

AN ACT AMENDING CHAPTER 9 OF THE GENERAL STATUTES OF NORTH CAROLINA, AND CHAPTER 1122, SESSION LAWS OF NORTH CAROLINA OF 1951, SO AS TO PROVIDE FOR THE SELECTION OF JURORS BY A JURY COMMISSIONER IN MADISON COUNTY AND FOR THE APPOINTMENT OF SAID COMMISSIONER BY THE RESIDENT JUDGE.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 9-1, as the same appears in Volume 1B of the General Statutes, be and the same is amended by adding at the end thereof the following:

"Provided that in Madison County there shall be created the office of jury commissioner for said county. The Resident Judge of the Superior Court of the judicial district which includes said county shall have the authority, and it shall be his duty, to make all appointments to said office and to fill all vacancies arising therein. Immediately after the passage of this Act, said judge shall appoint a jury commissioner who shall serve for four years and until his successor is appointed and qualified. All successors to the office of jury commissioner thereafter appointed under the provisions of this Act shall be appointed by the said resident judge and shall serve at the pleasure of said judge. Every such appointment shall be certified by the resident judge to the Clerk of the Superior Court, who shall enter the same on the minutes of the court. The jury commissioner, before entering upon the discharge of his duties, shall take an oath or affirmation before some official authorized to administer oaths that he will honestly, without favor or prejudice, perform the duties of jury commissioner during his term of office.

"It shall be the duty of the jury commissioner to prepare the jury list prior to the first Monday in July, 1955, and every two years thereafter. A list of the names thus selected by the jury commissioner shall be made out by the jury commissioner and shall constitute the jury list of the county and shall be preserved as such. The jury list shall consist only of those persons, not exempt by law from jury service, who are residents of the county, over twenty-one years of age, and who are known to be of good moral character and are known to have sufficient intelligence to serve as members of grand and petit juries. The names for the jury list shall be selected by the jury commissioner from any and all sources of information deemed by him to be reliable."

Sec. 2. The said jury commissioner when appointed and qualified shall have vested in him all the powers, duties and authority heretofore generally exercised throughout North Carolina by the boards of county commissioners under the provisions of Chapter 9 of the General Statutes, and in addition thereto all those powers, duties and authority heretofore exercised and vested in the Madison County jury commission under the provisions of Chapter 1122, Session Laws of 1951, and the said jury commissioner shall have full and complete control over the jury box or boxes of Madison County and over the drawing of jurors, both grand and petit.

Sec. 3. The jury commissioner shall receive for his services the sum of ten dollars ($10.00) per day for the time actually consumed in the performance of his official duties. The county commissioners of Madison County may employ such clerical assistance for the jury commissioner as they may deem necessary and set the compensation of such assistant or assistants. The compensation of the jury commissioner and assistant or assistants shall be paid from the general fund of Madison County upon the certificate of the resident judge.

Sec. 4. This Act shall apply to Madison County only.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1955.

H. B. 431 CHAPTER 359

AN ACT TO FIX THE DESIGNATION OF THE GOVERNING BODY AND OF CERTAIN OFFICERS OF THE TOWN OF LOWELL IN GASTON COUNTY AND TO RATIFY AND VALIDATE THE PROCEEDINGS OF SAID GOVERNING BODY AND OFFICERS WITH RESPECT TO THE AUTHORIZATION AND ISSUANCE OF ONE HUNDRED NINETY-TWO THOUSAND DOLLARS ($192,000) WATER BONDS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the Town of Lowell, a municipal corporation in Gaston County, North Carolina, shall be designated the "Board of Alderman", the officer appointed to perform the duties of treasurer of said town shall be designated the "Town Treasurer", and the officer appointed to perform the duties of secretary or clerk to the governing body of said town shall be designated the "Town Clerk".

Sec. 2. That all acts and proceedings, including the election proceedings, heretofore taken by the governing body of said town under the designation of Board of Aldermen or any other designation, all publications heretofore ordered by said board, and all acts heretofore taken and performed by the Town Treasurer and the Town Clerk with respect to the authorization and issuance of water bonds of said town, which bonds were authorized in an aggregate principal amount not exceeding one hundred

ninety-two thousand dollars ($192,000) by an ordinance passed on February 14, 1955, be and the same are hereby ratified, validated and confirmed, and that when said bonds shall have been approved by the vote of a majority of the qualified voters of said town voting at an election called for said purpose, and shall have been executed by the officers designated by the governing body of said town, and sold, delivered and paid for at not less than par and accrued interest, said bonds will constitute valid and binding obligations of said Town of Lowell, and, as required by The Municipal Finance Act, 1921, as amended, the governing body of said town shall annually levy and collect an ad valorem tax upon all taxable property in the town sufficient to pay the principal of and the interest on said bonds as such principal and interest become due.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1955.

H. B. 437 CHAPTER 360

AN ACT TO AMEND G. S. 160-200(25) TO AUTHORIZE ADDITIONAL INSURANCE COVERAGE FOR EMPLOYEES OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-200(25) is hereby amended by adding the following paragraph at the end thereof:

"In addition to the insurance coverage provided above, the City of Greensboro is hereby authorized to participate and act as agent for its employees in executing contracts for group life insurance for its employees to provide any or all of the following benefits:

(a) Benefits payable upon the death of an employee in excess of two thousand dollars ($2,000) on a graduated scale based on either rate of pay or classification of employment; provided, that the city shall be limited in its participation to one-half of the premium cost of any coverage in excess of two thousand dollars ($2,000.00), but such coverage shall not exceed ten thousand dollars ($10,000.00).

(b) Benefits payable upon the death of any dependent of an employee; provided, that the full cost of such coverage shall be paid by the employee.

(c) Benefits payable upon the death of an employee after his retirement under either the Local Governmental Employees Retirement System, the State Law Enforcement Officers Retirement System, the Federal Social Security System, or any combination thereof; provided, that the full cost of such coverage after retirement shall be paid by the employee.

(d) The accumulation of cash reserve values for an employee; provided, that the full cost of such coverage shall be paid by the employee."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1955.

H. B. 456 CHAPTER 361

AN ACT TO AUTHORIZE MUNICIPALITIES IN GASTON COUNTY TO ESTABLISH SPECIAL RESERVE FUNDS.

The General Assembly of North Carolina do enact:

Section 1. The governing body of each municipality in Gaston County is authorized and empowered to establish, in addition to all other funds now authorized by law, a fund to be known as the "Special Reserve Fund".

Sec. 2. When a governing body elects to establish such a fund, it shall pass an ordinance creating the fund. Thereafter, the governing body may from year to year make appropriations in the General Fund for deposit to the Special Reserve Fund.

Sec. 3. In the ordinance creating the fund, the governing body shall designate some bank, banks or trust company as depository in which the appropriations to the Special Reserve Fund shall be deposited and earmarked for the use of such Special Reserve Fund. All such deposits shall be secured as provided by Chapter 159, Section 28 of the General Statutes of North Carolina. Pending their use for the purposes hereinafter provided, all or any portion of the moneys in said fund may be invested in either bonds, notes or certificates of indebtedness of the United States of America; or in bonds or notes of any agency or instrumentality of the United States of America the payment of principal and interest of which is guaranteed by the United States of America; or in bonds or notes of the State of North Carolina; or in bonds of any county, city or town of North Carolina which have been approved by the Local Government Commission for the purpose of such investment; or in shares of any building and loan association organized and licensed under the laws of the State, or in shares of any Federal savings and loan association organized under the laws of the United States with its principal office in this State, to the extent that such investment is insured by Federal deposit insurance. The proceeds of the sale or realization of such investments and any interest resulting from such investments shall be deposited to the credit of the Special Reserve Fund.

Sec. 4. Withdrawals of all or any part of such fund may be made from time to time and applied to or expended for all or any portion of the cost of the following purposes which are hereby declared to be necessary expenses, and shall not be expended for any other purpose: Construction, enlargement or extension of water, electric and sewer systems and facilities.

Sec. 5. Before any withdrawal is made, the governing body shall by resolution authorize such withdrawal. It shall specify the amount of such withdrawal, and the purpose for which such amount shall be spent. Any resolution authorizing withdrawal shall be adopted at a regular or special

meeting of the governing body and shall then be published at least once in each of two successive weeks in some newspaper published in the municipality, and such resolution shall not become effective until thirty (30) days after the date of first publication: Provided, if no newspaper is published in the municipality, the notice shall be published in a newspaper with general circulation in the municipality. No right of action or defense founded upon the invalidity of such resolution shall be asserted, nor shall the validity thereof be open to question in any court upon any ground whatever, except in an action or proceeding commenced with in thirty (30) days after the date of first publication.

Sec. 6. In the event that an emergency arises which in the opinion of the governing body involves the health, safety or welfare of the inhabitants of the municipality, necessitating the immediate expenditures of all or any portion of such Special Reserve Fund for the purposes for which the fund is created, a withdrawal may be made from the fund by resolution of the governing body without publication as provided for in the preceding Section. Such resolution shall declare that an emergency exists and set forth such facts as are necessary to show that such emergency does exist.

Sec. 7. It is the intent and purpose of this Act to authorize the accumulation of moneys in the Special Reserve Fund sufficient to carry out the purposes for which the fund is created. The annual appropriation to any Special Reserve Fund established under authority of this Act shall in no event exceed five per cent (5%) of the current budget of the municipality concerned.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1955.

H. B. 467 CHAPTER 362

AN ACT TO PREVENT THE USE OF NETS AND OTHER COMMERCIAL FISHING DEVICES IN CERTAIN TRIBUTARIES TO THE NORTH RIVER IN CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm or corporation to fish with any net or other type of commercial fishing device in the waters of any tributary stream, lake or river that flows into the North River from the west side in Camden County.

Sec. 2. Any violation of this Act shall be a misdemeanor punishable by a fine of not more than fifty dollars ($50.00) or imprisonment for not more than thirty (30) days.

Sec. 3. The Wildlife Resources Commission shall have jurisdiction to enforce the provisions of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1955.

H. B. 494 CHAPTER 363

AN ACT TO AMEND G. S. 153-9 SO AS TO CLARIFY THE AUTHORITY OF THE STOKES COUNTY BOARD OF COUNTY COMMISSIONERS TO LEVY A TAX FOR THE SALARY OF THE VETERANS' SERVICE OFFICER AND EMPLOYEES IN THE FARM AGENT'S OFFICE.

The General Assembly of North Carolina do enact:

Section 1. The last paragraph of G. S. 153-9.43, as it appears in the 1953 Supplement to the General Statutes, is amended by inserting after the word "Rutherford" and before the word "and" in line three of said paragraph the word "Stokes".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1955.

H. B. 530 CHAPTER 364

AN ACT TO AUTHORIZE THE CITY OF DURHAM, UPON THE APPROVING VOTE OF THE PEOPLE, TO USE REVENUES DERIVED FROM ON-STREET PARKING METERS AND OFF-STREET PARKING FACILITIES FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, LEASE, RECONSTRUCTION, OPERATION, AND MAINTENANCE OF OFF-STREET PARKING FACILITIES AND THE PAYMENT OF INTEREST ON AND PRINCIPAL OF REVENUE BONDS WHICH MAY BE ISSUED FOR OFF-STREET PARKING FACILITY PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Durham is hereby authorized and empowered, in its discretion, to submit to the voters of such municipality at either a general municipal election or a special municipal election called for that purpose a question substantially in the following form, to wit:

Shall the governing body of the City of Durham be authorized and empowered to appropriate, expend, and pledge revenues to be derived from on-street parking meters and off-street parking facilities for the purpose of acquiring, constructing, reconstructing, operating, leasing, and maintaining off-street parking facilities and paying the interest on and prin-

cipal of Revenue Bonds which may be issued for providing off-street parking facilities?

Sec. 2. If a majority of the qualified voters who shall vote thereon at such election shall vote in the affirmative, then the governing body of the City of Durham shall have full power and authority to appropriate, expend, pledge, and otherwise use all or any part of the revenues to be derived from the operation of on-street parking meters and off-street parking facilities, as in the discretion of such governing body is requisite or proper, for any or all of the purposes referred to in the above stated question. The purposes stated in said question shall be construed to include the use of such revenues for the acquisition by purchase, condemnation or otherwise of the necessary lands and rights of way, the clearing and conditioning of sites including demolition of buildings and structures, the construction, renovation and reconstruction of necessary buildings and structures, the paving, macadamizing, and laying of hard surface on said site, the providing of approaches and means of ingress and egress to and from said sites and parking facilities, the installation of drains and public utilities as required, the leasing and contracting for such properties to or by the city, the making of necessary repairs, alterations, and maintenance of such parking facilities, the purchase and installation of parking meters upon such off-street parking facilities, and the payment of all lawful expenses and costs reasonably incurred in connection with any off-street parking facility.

Sec. 3. Said election, whether general or special, shall be held and conducted by the Durham County Board of Elections in accordance with the laws applicable to the conduct of general or special municipal elections, including the registration of voters, held in the City of Durham; and the cost of same shall be paid by the City of Durham.

Sec. 4. All laws or clauses of laws in conflict herewith are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1955.

H. B. 552 CHAPTER 365

AN ACT TO REPEAL ANY LAWS AUTHORIZING OR DIRECTING THE COUNTY OF CUMBERLAND TO LEVY A TAX FOR THE SUPPORT AND MAINTENANCE OF CROSS CREEK CEMETERY OR ANY PUBLIC CEMETERY IN CROSS CREEK TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. That so much of Chapter 87 of the Private Laws of the Extra Session of the General Assembly of 1920, which authorized the levying of a tax for the support of the public cemeteries of Cross Creek Township in Cumberland County, is hereby repealed. That any and all laws which authorize and direct the Board of County Commissioners of Cumber-

land County to levy any tax whatsoever for the support and maintenance of Cross Creek Cemetery or the public cemeteries of Cross Creek Township, all in Cumberland County, are hereby repealed and from and after the effective date of this Act no further tax shall be levied for the support and maintenance of the said cemetery or cemeteries. That the governing authority of the City of Fayetteville, in Cumberland County, is hereby authorized, empowered and directed to levy and to cause to be collected annually, and at the same time and in the same manner as the general municipal taxes of the City of Fayetteville are levied and collected, a special tax of not more than five cents (5c) on each one hundred dollars ($100.00) valuation of property in said City of Fayetteville, the same when collected to be applied to the support and maintenance of Cross Creek Cemetery or any other public cemeteries within said municipality or outside of said municipality but used by the residents of same. Appropriations and taxes for the purposes hereinbefore provided are hereby declared to be for necessary expenses and for a special purpose within the meaning of the Constitution of North Carolina, and for which the special approval of the General Assembly is hereby given and shall be valid and binding without a vote of a majority of the qualified voters of the City of Fayetteville.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1955.

S. B. 9 CHAPTER 366

AN ACT TO PROVIDE FOR THE ENROLLMENT OF PUPILS IN PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. The county and city boards of education are hereby authorized and directed to provide for the enrollment in a public school within their respective administrative units of each child residing within such administrative unit qualified under the laws of this State for admission to a public school and applying for enrollment in or admission to a public school in such administrative unit. Except as otherwise provided in this Act, the authority of each such board of education in the matter of the enrollment of pupils in the public schools within such administrative unit shall be full and complete, and its decision as to the enrollment of any pupil in any such school shall be final. No pupil shall be enrolled in, admitted to, or entitled or permitted to attend any public school in such administrative unit other than the public school in which such child may be enrolled pursuant to the rules, regulations and decisions of such board of education.

Sec. 2. In the exercise of the authority conferred by Section 1 of this Act upon the county or city boards of education, each such board shall provide for the enrollment of pupils in the respective public schools located within such county or city administrative unit so as to provide for the

orderly and efficient administration of such public schools, the effective instruction of the pupils therein enrolled, and the health, safety, and general welfare of such pupils. In the exercise of such authority such board may adopt such reasonable rules and regulations as in the opinion of the board shall best accomplish such purposes.

Sec. 3. The parent or guardian of any child, or the person standing in loco parentis to any child, who shall apply to the appropriate public school official for the enrollment of any such child in or the admission of such child to any public school within the county or city administrative unit in which such child resides, and whose application for such enrollment or admission shall be denied, may, pursuant to rules and regulations established by the county or city board of education apply to such board for enrollment in or admission to such school, and shall be entitled to a prompt and fair hearing by such board in accordance with the rules and regulations established by such board. The majority of such board shall be a quorum for the purpose of holding such hearing and passing upon such application, and the decision of the majority of the members present at such hearing shall be the decision of the board. If, at such hearing, the board shall find that such child is entitled to be enrolled in such school, or if the board shall find that the enrollment of such child in such school will be for the best interests of such child, and will not interfere with the proper administration of such school, or with the proper instruction of the pupils there enrolled, and will not endanger the health or safety of the children there enrolled, the board shall direct that such child be enrolled in and admitted to such school.

Sec. 4. Any person aggrieved by the final order of the county or city board of education may at any time within ten (10) days from the date of such order appeal therefrom to the superior court of the county in which such administrative school unit or some part thereof is located. Upon such appeal, the matter shall be heard de novo in the superior court before a jury in the same manner as civil actions are tried and disposed of therein. The record on appeal to the superior court shall consist of a true copy of the application and decision of the board, duly certified by the secretary of such board. If the decision of the court be that the order of the county or city board of education shall be set aside, then the court shall enter its order so providing and adjudging that such child is entitled to attend the school as claimed by the appellant, or such other school as the court may find such child is entitled to attend, and in such case such child shall be admitted to such school by the county or city board of education concerned. From the judgment of the superior court an appeal may be taken by any interested party or by the board to the Supreme Court in the same manner as other appeals are taken from judgments of such court in civil actions.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 99

CHAPTER 367

AN ACT TO AMEND SECTION 4, CHAPTER 142, PRIVATE LAWS, 1921, AND SECTIONS 1 AND 2, CHAPTER 908, SESSION LAWS, 1947, RELATING TO THE DAY OF THE WEEK UPON WHICH MUNICIPAL PRIMARIES AND ELECTIONS FOR THE ELECTIVE OFFICERS OF THE CITY OF DURHAM SHALL BE HELD.

The General Assembly of North Carolina do enact:

Section 1. That Section 4 of Chapter 142, Private Laws, 1921, be and the said Section is hereby amended by striking out the words "first Tuesday" appearing in line three of said Section 4 and substituting in lieu thereof the words "second Saturday", so that said Section 4 shall hereafter read as follows:

"Sec. 4. The general municipal elections shall take place on the first Tuesday after the first Monday in May, 1921, and on the second Saturday after the first Monday in May, biennially thereafter."

Sec. 2. That Section 1, Chapter 908, Session Laws of North Carolina, 1947, be and the said Section is hereby amended by striking out the words "first Tuesday" appearing in line 19 thereof and substituting the words "second Saturday" in lieu of the words so stricken.

Sec. 3. That Section 2, Chapter 908, Session Laws of North Carolina, 1947, be and the said Section is hereby amended by striking out the word "Tuesday" appearing in line 6 of said Section 2 and substituting in lieu of said stricken word the word "Saturday".

Sec. 3½. Any qualified voter, who is a member of a religious faith which observes Saturday as The Sabbath, may cast his ballot, in the office of the Board of Elections in Durham County between the hours of 9:00 A. M. and 5:00 P. M. on Friday preceding the Saturday when a City of Durham primary regular or special election is held, provided said qualified voter makes an affidavit asserting membership in said religious faith, and further ascerting a conscientious objection to voting on a Saturday. Ballots of said voters, if any, cast with the said chairman to the said Board of Elections shall be distributed by said chairman to the registrars of precincts in which said voters are qualified to vote, on Saturday, the day of election prior to the counting of ballots, and shall be counted as are regular ballots, subject to all laws, rules, and regulations, governing the counting of ballots.

Sec. 3¾. If any Section or portion of this Act shall for any reason be held invalid, such invalidity shall not affect the remainder, it being the legislative intent that such remaining portions of this Act shall continue in full force and effect with the invalid part stricken therefrom.

Sec. 4. All laws in conflict herewith are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 103 **CHAPTER 368**

AN ACT TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO ISSUE PERMANENT REGISTRATION PLATES TO MOBILE X-RAY UNITS OWNED BY THE NORTH CAROLINA TUBERCULOSIS ASSOCIATION, INCORPORATED, OR LOCAL CHAPTERS OF SAID ASSOCIATION FOR A NOMINAL FEE.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 20-84 by inserting at the end thereof a new paragraph to read as follows:

"The Department of Motor Vehicles shall issue to the North Carolina Tuberculosis Association, Incorporated, or any local chapter or association of said corporation, for a fee of one dollar ($1.00) for each plate a permanent registration plate which need not be thereafter renewed for each motor vehicle in the form of a mobile x-ray unit which is owned by said North Carolina Tuberculosis Association, Incorporated, or any local chapter or local association thereof and operated exclusively in this State for the purpose of diagnosis, treatment and discovery of tuberculosis. The initial one dollar ($1.00) fee required by this Section and for this purpose shall be in full payment of the permanent registration plates issued for such vehicle operated as a mobile x-ray unit, and such plates need not thereafter be renewed, and such plates should be valid only on the vehicle for which issued and then only so long as the vehicle shall be operated for the purposes above described and for which the plates were originally issued."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 142 **CHAPTER 369**

AN ACT TO AMEND ARTICLE 13A OF CHAPTER 131 OF VOLUME 3B OF THE GENERAL STATUTES, KNOWN AS THE HOSPITAL LICENSING ACT, FOR THE PURPOSE OF REQUIRING THE LICENSING OF (NURSING) CONVALESCENT HOMES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of Section 131-126.1 of Article 13A of Chapter 131 of Volume 3B of the General Statutes of North Carolina is hereby amended by adding at the end of said subsection (a) the following:

"The Commission shall have all of the power and authority to license a (nursing) convalescent home as the same is hereinafter defined, and all of the powers, duties and provisions of this Article, with respect to hospitals, shall apply equally and to the same effect with respect to a (nurs-

ing) convalescent home, but nothing in this Article shall be construed as identifying, defining or classifying a (nursing) convalescent home as a hospital or the equivalent of a hospital. For the purpose of this Article, a 'convalescent home' is defined as an institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more unrelated persons. A 'convalescent home' is a home for chronic or convalescent patients who, on admission, are not as a rule, acutely ill and who do not usually require special facilities, such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A 'convalescent home' provides care for persons who have remedial ailments or other ailments, for which medical and nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

"A 'home for the aged and infirm', usually designated as a boarding home, as distinguished from a 'convalescent home' is a place for the care of aged and infirm persons whose principal need is a home with such sheltered, custodial, and nursing care as their age and infirmities require. In such homes, medical care is only occasional or incidental, such as may be required in the home of any individual or family for persons who are aged and infirm. The residents of such homes will not, as a rule, have remedial ailments or other ailments for which continuing skilled planned medical and nursing care is indicated. A major factor which distinguishes these homes is that the residents may be given congregate services as distinguished from the individualization of medical care required in 'patient' care. A person may be accepted for sheltered or custodial care because of a disability which does not require continuing planned medical care, but which does make him unable to maintain himself in individual living arrangements.

"In further distinguishing between a 'convalescent home' on the one hand and a 'home for the aged and infirm' on the other, it is recognized that a 'convalescent home' is not a place for the care of aged and infirm persons whose principal need is a home with such custodial and sheltered care as their age and infirmities require. In such convalescent homes medical care is not merely occasional and incidental, such as may be required in the home of any individual or family. The residents of these convalescent homes will, as a rule, have remedial ailments, or other ailments, for which continuing planned medical and skilled nursing care is indicated. A major factor which distinguishes these convalescent homes is that the residents will require the individualization of medical care required in 'patient' care."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 176 **CHAPTER 370**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY IN THE STATE TO MAKE APPROPRIATIONS FOR BUILDING WATER LINES FROM THE CORPORATE LIMITS OF MUNICIPALITIES THEREIN TO UNINCORPORATED COMMUNITIES OR LOCATIONS WITHIN THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The board of county commissioners in any county in North Carolina is authorized and empowered to appropriate, make available and spend from any surplus funds or any funds not derived from tax sources which are available to said board to be used in such amounts in the discretion of said boards for the purpose of building water and sewer lines from the corporate limits of any municipality in said county to communities or locations outside the corporate limits of any municipality therein. Said water lines shall be built and constructed for the purposes of public health and to promote the public health in communities and locations in the State where large groups of employees live in and around factories and mills and where said water and sewerage is necessary to promote industrial purposes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed except local Acts relating to this subject.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 206 **CHAPTER 371**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF ANY COUNTY OR MUNICIPALITY TO APPROPRIATE NONTAX REVENUES FOR THE SUPPORT OF HISTORICAL SOCIETIES AND THEIR ACTIVITIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The purpose of this Act is to authorize counties and municipalities to assist in and promote programs for the preservation of historic sites or buildings and the recording and preservation of the history of North Carolina.

Sec. 2. Upon the request of a local historical society, historical museum or other historical organization, based upon a resolution adopted by such society, museum or organization, the governing body of any county or municipality may, in its discretion, make appropriations from non tax revenues to such society, museum or organization.

Sec. 3. Any such society, museum or organization to which such an

appropriation may be made may expend the same for the preservation of historic sites or buildings, the recording and publication of materials relating to the history of the area, the establishment or maintenance of historical museums, the payment of salaries of personnel employed thereby, the costs of recording and maintaining, the cost of acquiring, recording and maintaining materials and equipment, and such other purposes as may be approved by said governing body and said society, museum or organization. Such society, museum or organization shall make an annual report to said county or municipal governing body showing the manner in which appropriated funds have been expended during each fiscal year thereafter.

Sec. 4. The governing body of any county or municipality or the custodians or governing bodies of schools or libraries are authorized and empowered to set aside and assign for the uses and activities of local historical societies, historical museums or other historical organization such rooms or space as may be available in any school, library or public building, under the jurisdiction of said governing body or board of custodians.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 210 CHAPTER 372

AN ACT TO EXTEND TO THEFT ENFORCEMENT INSPECTORS OF THE DEPARTMENT OF MOTOR VEHICLES CERTAIN BENEFITS NOW ACCORDED MEMBERS OF THE HIGHWAY PATROL.

The General Assembly of North Carolina do enact:

Section 1. Section 20-185 of the General Statutes is hereby amended by adding to the end thereof a new paragraph to be designated paragraph (f) and to read as follows:

"The benefits provided for members of the State Highway Patrol under the provisions of paragraphs (b), (c), (d), and (e) of this Section shall be granted to the Director and Assistant Director of the License and Theft Enforcement Division of the Department and to members of the License and Theft Enforcement Division designated by the Commissioner as 'Inspectors', in the same manner and under the same circumstances and subject to the same limitations as if the Director and Assistant Director and the Inspectors were members of the State Highway Patrol."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 236 **CHAPTER 373**

AN ACT TO AMEND ARTICLE 33 OF CHAPTER 1 OF THE GENERAL STATUTES SO AS TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT TO ORDER SURVEYS OF REAL PROPERTY IN CIVIL ACTIONS AND SPECIAL PROCEEDINGS INVOLVING THE SALE OF LAND.

The General Assembly of North Carolina do enact:

Section 1. Article 33 of Chapter 1 of the General Statutes is amended by adding a new Section immediately following G. S. 1-408, to be designated as G. S. 1-408.1, and to read as follows:

"G. S. 1-408.1. In all civil actions and special proceedings instituted in the Superior Court before the clerk where real property is to be sold to make assets to pay debts, or to be sold for division, or to be partitioned, the clerk may, if, in his opinion, all parties to the action or proceedings will benefit thereby, order a survey of the land involved, appoint a surveyor for this purpose, and fix a reasonable fee for his services, which fee, along with other costs of the survey, shall be taxed as a part of the costs in such action or proceedings. Any dissatisfied party shall have the right of appeal to the judge, who shall hear the same de novo."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 30th day of March, 1955.

S. B. 240 **CHAPTER 374**

AN ACT TO AMEND ARTICLE 50 OF CHAPTER 106 OF THE GENERAL STATUTES RELATING TO THE PROMOTION OF, USE AND SALE OF AGRICULTURAL PRODUCTS.

The General Assembly of North Carolina do enact:

Section 1. Article 50 of Chapter 106 of the General Statutes is amended by adding a new Section immediately following G. S. 106-564.1, to be designated as G. S. 106-564.2, and to read as follows:

"G. S. 106-564.2. As an alternate method for the collection of assessments provided for in G. S. 106-564, the duly certified agency representing the producers of peaches, apples or other tree fruits, is hereby authorized to establish the names, addresses and number of trees or acres of trees and certify same to the Commissioner of Agriculture. The Commissioner of Agriculture shall then notify by registered letter such certified producers that on or before the date specified by the duly certified agency, the assessments shall be paid to the Commissioner of Agriculture by the producers. The date of collections of such assessments may be established by the duly certified agency representing the producers of any agricultural product referred to in G. S. 106-550."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 255 CHAPTER 375

AN ACT TO VALIDATE THE OFFICIAL ACTS OF W. E. SMITH DECEASED, LATE A JUSTICE OF THE PEACE OF MECKLENBURG COUNTY.

WHEREAS, W. E. Smith a former Justice of the Peace of Mecklenburg County for some time subsequent to the 1st of April 1953, performed the duties and functions of his office after the expiration of his Commission as a Justice of the Peace; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All the official acts of W. E. Smith, deceased, late a Justice of the Peace of Mecklenburg County performed, under color of his office, from April 1, 1953, until July 2, 1953, are hereby in all respects confirmed, ratified and validated.

Sec. 1½. Provided that the provisions of this Act shall not affect pending litigation.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 262 CHAPTER 376

AN ACT TO AMEND G. S. 39-13.2 RELATING TO THE EXECUTION OF CONTRACTS, CONVEYANCES AND OTHER INSTRUMENTS BY MARRIED WOMEN WITH RESPECT TO ESTATES BY THE ENTIRETY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 39-13.2 as the same appears in the 1953 Cumulative Supplement to Volume 2A of the General Statutes is hereby rewritten to read as follows:

"All married women under twenty-one (21) years of age are authorized and empowered to execute any note, contract, contract of insurance, deed, deed of trust, mortgage, lien of whatever nature or other instrument with respect to an estate held or purchased by the entirety or with respect to any transaction involving an estate held or purchased by the entirety, and the same shall be valid, binding and effectual as to such married women as though such married women were twenty-one (21) years of age or over."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 282 CHAPTER 377

AN ACT TO ESTABLISH A COUNTY LAW LIBRARY IN JOHNSTON COUNTY.

WHEREAS, an adequate law library is necessary and desirable for the use of the courts and court officials in said county; and

WHEREAS, the establishment of a court law library in Johnston County will promote the best interest of the litigants, courts and court officials and citizens of said county; and

WHEREAS, it is desired to provide for the proper equipment, books and periodicals, and for the proper support and maintenance of said library; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Clerk of the Superior Court, ex officio, the President of the Johnston County Bar Association, the Chairman of the Library Committee of the Johnston County Bar Association, and the Auditor of Johnston County, ex officio, and their successors in office are hereby constituted a Board of Directors of Johnston County Law Library and custodian of all books, supplies, equipment, and property of the law library which shall be kept and maintained for the County of Johnston, and for the use of the courts and court officials and members of the Johnston County Bar Association of said county.

Sec. 2. All books, equipment, supplies, and property of said library shall be the property of the County of Johnston and for the special use and benefit of the Johnston County Bar Association, courts and court officials of said county, and the said county is authorized to hold said property, and the custodian, or its agent, is authorized to add thereto by gift, donation, purchase, and otherwise, such books of law and legal reference, supplies and equipment as may be reasonably necessary and proper for an adequate law library.

Sec. 3. The board of directors of said library shall prescribe such reasonable rules and regulations for the use, control, and management of said library, as may be deemed proper, and any violation of such reasonable rules and regulations by any person shall constitute a misdemeanor, and upon conviction, such person shall be fined not more than ten dollars ($10.00).

Sec. 4. In order to provide a fund for the equipment, maintenance and support of the said library, in every civil action or special proceeding instituted in the Superior Court of Johnston County where costs are paid in advance, one dollar ($1.00) shall be taxed and paid to the clerk of the

court to be set aside and designated as a Johnston County Law Library Fund; and all other civil actions or special proceedings tried or disposed of in the Superior Court of said county shall be taxed one dollar ($1.00) for said Johnston County Law Library Fund when costs are collected or paid to the said clerk; and, in like manner, there shall be taxed and paid the sum of one dollar ($1.00) for every criminal case in the Superior Court of Johnston County and in the Recorder's Court of Johnston County, in which costs are paid by the defendant, and, in any court established in the County of Johnston exercising jurisdiction above that of a justice of the peace, there shall be collected in such courts the sum of one dollar ($1.00) for the Johnston County Law Library Fund in each civil and criminal case as prescribed herein. The Johnston County Law Library Fund shall be paid by the Clerk of the Superior Court to the Auditor of Johnston County monthly, and shall be deposited by said auditor in a bank designated by the custodian for that purpose, and shall be used solely for the purpose of equipping, maintaining and operating said library. All checks drawn on said account shall be signed by the Chairman of the Library Committee of the Johnston County Bar, and countersigned by the Auditor of Johnston County, and it shall be the duty of the auditor to keep a correct account of all receipts and disbursements in connection with said funds.

Sec. 5. The additional one dollar ($1.00) costs provided for in Section 4 of this Act shall be taxed only for a period of one year from and after 1 July, 1955. Thereafter, the additional costs to be taxed under said Section shall be fifty cents (50c) in each case.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 293 CHAPTER 378

AN ACT AMENDING G. S. 105-345 RELATING TO THE PREPAYMENT OF TAXES IN MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. Subsection (8) of G. S. 105-345, as it appears in the 1953 Supplement to the General Statutes is amended by striking out the words "Mecklenburg County or" wherever these words appear in said subsection.

Sec. 2. G. S. 105-345 is amended by adding a new subsection to be designated as subsection (9) and to read as follows:

"(9) However, subsections (1), (2) and (6) hereof, shall not apply to taxes levied by Mecklenburg County or the City of Charlotte, and should any taxpayer of Mecklenburg County or the City of Charlotte make payment of his taxes prior to October 1 following the levy thereof, he shall be entitled to a discount of two per cent (2%); if paid during the month

of October, a deduction of one and one-half per cent (1½%); if paid during the month of November, a deduction of one per cent (1%); if paid during the month of December, a deduction of one-half of one per cent (½ of 1%).

"Taxes levied by Mecklenburg County or the City of Charlotte shall be payable at par during the month of January next after same shall have become due and payable."

Sec. 3. All laws and clauses of laws in conflict therewith are repealed.

Sec. 4. This Act shall apply only to Mecklenburg County, the City of Charlotte, the Town of Matthews, the Town of Huntersville, and the Town of Davidson.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 311 **CHAPTER 379**

AN ACT TO PROVIDE FOR AN ELECTION IN THE TOWN OF SOUTHPORT, NORTH CAROLINA, UPON THE QUESTION OF ADOPTING THE CITY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the Town of Southport shall, within one year from the date of ratification of this Act, cause to be submitted to the qualified voters of the Town of Southport, at any regular municipal election or at a special election called by the governing body of said town for that purpose, the following amendment to the city charter:

"(a) The Charter of the Town of Southport, Brunswick County, be and the same is hereby amended by adding thereto the following: The board of aldermen shall appoint a city manager who shall be the administrative head of the city government and shall be responsible for the administration of all departments of the city government. He shall be appointed with regard to merit only, and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the board of aldermen and shall receive such compensation as it shall fix by ordinance.

"The city manager so appointed shall (1) be the administrative head of the city government; (2) see that within the city the laws of the State and the ordinances, resolutions, and regulations of the governing body are faithfully executed; (3) attend all meetings of the governing body, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the governing body from time to time upon the affairs of the city, keep the governing body fully advised of the city's financial condition and its future financial needs; (5) appoint and remove all heads of departments and other employees of the city except the city attorney and the city auditor who shall be appointed by the governing body."

Sec. 2. At the time of holding the special election hereinabove provided for, the question of the adoption of this amendment to the Charter of the Town of Southport shall be submitted to the qualified voters of the

town at said election. Those voters who are in favor of the adoption of the amendment shall vote a ballot upon which shall be printed or written the words "For Amendment Providing for City Manager Form of Government", and those voters who are opposed to the adoption of such form of government shall vote a ballot upon which shall be printed or written the words "Against Amendment Providing for City Manager Form of Government." If at said election a majority of the votes cast shall be "For Amendment Providing for City Manager Form of Government" the said amendment shall be adopted and become a part of the Charter of the Town of Southport, and shall become effective at the beginning of the next municipal fiscal year subsequent to the declaration of the result of said election. If a majority of the votes cast shall be "Against Amendment for City Manager Form of Government," said amendment shall be null and void and shall not become a part of the Charter of the Town of Southport.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act to the extent of said conflict are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 319 CHAPTER 380

AN ACT TO VALIDATE CERTIFICATES OF NOTARIES PUBLIC AS TO CONTRACTS OR CONVEYANCES BETWEEN HUSBAND AND WIFE.

The General Assembly of North Carolina do enact:

Section 1. The General Statutes of North Carolina are hereby amended by adding a new Section, to read as follows:

"52-12.1. Any contract between husband and wife coming within the provisions of G. S. 52-12, executed prior to the first day of January, 1955, acknowledged before a notary public and containing a certificate of the notary public of his conclusions and findings of fact that such conveyance is not unreasonable or injurious to the wife, is hereby in all respects validated and confirmed, to the same extent as though said certifying officer were one of the officers named in G. S. 52-12."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 2A. The provisions of this Act shall not apply to pending litigation.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 348 **CHAPTER 381**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LINCOLNTON TO PROVIDE FOR THE NOMINATION OF CANDIDATES FOR THE OFFICE OF MAYOR, MEMBERS OF THE BOARD OF ALDERMEN AND MEMBERS OF THE BOARD OF EDUCATION OF THE TOWN OF LINCOLNTON BY PARTY PRIMARIES, AND TO PROVIDE FOR TERMS OF OFFICE OF FOUR YEARS FOR MEMBERS OF THE BOARD OF ALDERMEN AND TO ESTABLISH SALARIES OR THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Lincolnton, Chapter 369 of the Private Laws of North Carolina, Session of 1899, as amended, is hereby amended by adding a new Section to read as follows:

"Sec. 1½. Primaries and Elections.

(a) On and after the effective date of this Act all candidates for Mayor, members of the Board of Aldermen, and members of the Board of Education of the Town of Lincolnton, to be voted on in the general municipal elections of the Town of Lincolnton shall be nominated in political party primaries in the manner and form herein prescribed, and no name shall be printed on the general ballot for the Town of Lincolnton except those candidates who are nominated and selected under the provisions of this Act.

(b) On and after the fourth Tuesday preceding the date of the holding of the general municipal election of the Town of Lincolnton, there shall be called, held, conducted and concluded under the direction of the Lincolnton County Board of Elections by election officials designated and appointed by them for that purpose a party primary for the purpose of nominating candidates for Mayor, members of the Board of Aldermen, and members of the Board of Education of the Town of Lincolnton. In the event a runoff primary is required to determine the candidates for any political party, the runoff shall be held on the second Tuesday next preceding the date of the general election.

These primary elections shall be governed by the general law provided for primary elections in subchapter II of Chapter 163 of the General Statutes insofar as such general laws may be construed to apply to said municipal primaries, and in all other respects where the general laws of the State cannot be construed to conform to the provisions of the procedures of a municipal primary, the said primary shall be governed by rules and regulations to be adopted by the Lincoln County Board of Elections for such primary.

(c) Any person desiring to become a candidate for nomination in the primary for the office of Mayor or member of the Board of Aldermen of the Town of Lincolnton or member of the Board of Education of Lincolnton shall by twelve o'clock noon on the second Wednesday preceding the primary election, file with the chairman of the Lincoln County Board of

Elections a statement of such candidacy in substantially the following form:

"STATE OF NORTH CAROLINA
COUNTY OF LINCOLNTON

I, ..., hereby give notice that I reside at .....Street, Town of Lincolnton, County of Lincoln, State of North Carolina; that I am a candidate for nomination of the office of Mayor, Alderman (strike out inapplicable part), to be voted upon at the primary election to be held on the.....Tuesday of ....., 195..... I affiliate with the..... party and shall support the nominees of that party, and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(Signed).....

Such candidate shall, at the same time, pay to the chairman of the election board to be turned over to the town treasurer the sum of five dollars ($5.00).

(d) The registration books shall be open on the sixth, seventh, and eighth Saturdays next preceding the date on which the general election is held. The registration books shall not thereafter be open for registration for either the primary or general municipal election except for persons qualifying between the time of closing of the books and the general election, as in the case of newly qualified voters under the general election laws of the State. The fifth Saturday next preceding such general election shall be set for challenge day for the registration.

(e) The Lincoln County Board of Elections is authorized, empowered and directed to supervise and conduct each and every primary election, general election and referendum election submitted to the voters of the Town of Lincolnton regardless of the purpose for which the election may be held; and after the aforesaid date, the governing authorities of the Town of Lincolnton shall not exercise any of the duties with respect to the conduct of such elections as they presently exercise. All primaries and elections conducted by the Lincoln County Board of Elections, under authority of this Act, for the Town of Lincolnton shall be held at the expense of and paid for by said town and said expense shall constitute a valid expenditure of the funds of said city for that purpose.

In the conduct of said primaries and elections for the Town of Lincolnton, the Lincoln County Board of Elections shall have the power and is directed to appoint all precinct officials for the conduct of elections to canvass the vote for the said elections and, in general, to exercise all of the same powers in connection with such elections as is now exercised under the law by the Lincoln County Board of Elections in the conduct of primaries and elections for the nomination and election of county officers.

(f) The fourth Tuesday in May shall be the date for the holding of the general municipal election of the Town of Lincolnton.

(g) The Mayor, members of the Board of Aldermen, and elected members of the Board of Education of the Town of Lincolnton shall be installed

in their respective offices at twelve o'clock on the first Wednesday in June next after their election.

Sec. 2. The Charter of the Town of Lincolnton, Chapter 369 of the Private Laws of North Carolina, Session of 1899, as amended by Chapter 227, Private Laws of North Carolina, Session of 1917, shall hereby be amended by adding to Section 5 the following:

"That at the general municipal election in the Town of Lincolnton in the year of 1955, the two aldermen reciving the highest number of votes shall be elected for a term of four years, and the other two aldermen shall be elected for a term of two years. As the terms of office of the Board of Aldermen of the Town of Lincolnton, as herein provided. shall expire, their successors shall be elected for a term of four years.

Sec. 3. The Charter of the Town of Lincolnton, Chapter 369 of the Private Laws of North Carolina, Session of 1899, as amended by Chapter 197 of the Private Laws of North Carolina, Session of 1945 is hereby amended by striking out in lines five and six of Section two the words "four hundred dollars", and inserting in lieu thereof the words "six hundred dollars", and that Section two be further amended by striking out in lines eight and nine thereof the words "two hundred and fifty dollars", and inserting in lieu thereof the words "four hundred dollars".

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. That this Act shall be in full force and effect immediately upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 75 CHAPTER 382

AN ACT TO PROVIDE FOR PERMANENT REGISTRATION OF MOTOR VEHICLES OWNED BY EMERGENCY RESCUE SQUADS AND TO PERMIT THE MEMBERS THEREOF TO DISPLAY BLUE LIGHTS ON THEIR MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Section 20-84 of the General Statutes is hereby amended by inserting therein immediately following the words "civil air patrol," in the fourth line of the Section as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes the words "or incorporated emergency rescue squad,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 239 **CHAPTER 383**

AN ACT RELATING TO PURCHASE OF SUPPLIES, MATERIALS, EQUIPMENT AND CONSTRUCTION BY THE CITY OF HIGH POINT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Contracts on informal bids.—All contracts for construction or repair work or for the purchase of apparatus, supplies, materials or equipment involving expenditure of public funds in the amount of one thousand dollars ($1,000.00) or more, but less than two thousand five hundred dollars ($2,500.00) made by any officer, department, board or commission of the city, when practical, shall be awarded to the lowest responsible bidder after informal bids have been secured; provided, contracts may be awarded upon receipt of one bid in all cases where there is only one source of supply and in all cases where only one bid has been received after efforts have been made in writing to secure more than one bid, and it shall be the duty of such officer, department, board or commission to keep record of all bids submitted, and such records shall be subject to public inspection at any time.

Sec. 2. Procedure for letting Public Contracts. Purchases from Federal Government.—No construction or repair work or purchases of apparatus, supplies, materials or equipment requiring estimated expenditure of public money in an amount equal to or more than two thousand five hundred dollars ($2,500.00), except in cases of special emergencies as determined by the Council of the City of High Point involving health and safety of the people or their property, shall be performed and no contract shall be awarded therefor unless the provisions of this Section are complied with.

Advertisement for Letting of Contracts.—Proposals shall be invited by advertisement at least one week before the time specified for opening of such proposals in a newspaper having general circulation in the City of High Point. Such advertisement shall state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials or equipment may be had, and the time and place for opening the proposals and the Council of the City of High Point shall reserve the right to reject any or all such proposals.

Proposals shall not be rejected for the purpose of evading the provisions of this Act and the Council of the City of High Point shall assume responsibility for the construction or purchase contracts and shall guarantee payment of labor or materials therefor. All proposals shall be opened in public and shall be recorded on the minutes of the Council of the City of High Point and the award shall be made to the lowest responsible bidder, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract; provided, a committee selected by the Council of the City of High Point may open such proposals in advance of the meeting of Council, analyze the bids and make recommendations to the Council. In the event the lowest responsible bid is in excess of funds available for such purpose, the Council of the City is authorized to enter into negotiations with the lowest responsible bidder and may award such contract to such bidder if such bidder agrees

to perform same, without making substantial changes in the plans and specifications, at a sum within the funds available therefor. If the contract cannot be let under the above conditions, the Council is authorized to readvertise, as herein provided, the said letting and make such changes in the plans and specifications as may be necessary to bring the cost of the project within funds available therefor. The procedure above specified may be repeated if necessary in order to secure an acceptable contract within the funds available therefor. No proposal shall be considered or accepted by the Council unless at the time of its filing the same shall be accompanied by a deposit with the Council of cash or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five per cent (5%) of the proposal. In lieu of making cash deposit as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand forthwith make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond and upon failure to forthwith make payment the surety shall pay the obligee an amount equal to double the amount of such bid bond. Such deposit shall be retained if the successful bidder fails to execute the contract within ten days after the award or fails to give satisfactory surety as herein required. All contracts to which this Section applies shall be executed in writing, and the Council of the City shall require the person to whom the award of contract is made to furnish bond in some surety company authorized to do business in North Carolina, or require a deposit of money, certified check or government securities for the full amount of the said contract for faithful performance of the terms of said contract in connection with awarding contracts covering construction or repair work only; and no such contract shall be altered except by written agreement of the contractor, sureties on his bond and the Council of the City of High Point. Such surety bond or securities required herein shall be deposited with the Treasurer of the City until the contract has been carried out in all respects.

Nothing in this Section shall operate so as to require any public agency to enter into a contract that will prevent the use of unemployment relief labor paid for in whole or in part by appropriations or funds furnished by the State or Federal Government.

The Council of the City may enter into any contract with the United States of America or any agency thereof for the purchase, lease or acquisition of any apparatus, supplies, materials or equipment without regard to the provisions of this Section which require:

(1) Posting of notice or public advertisement for proposals or bids,
(2) Inviting or receiving of competitive bids,
(3) Delivery of purchases before payment,
(4) Posting of deposits of bonds or other sureties,
(5) Execution of written contracts.

The Council of the City may designate any office holder of the City to enter a bid or bids in its behalf at any sale of apparatus, supplies, mate-

rials, equipment or other property owned by the United States of America or any agency thereof, and may authorize such person to make any partial or down payment, or payment in full that may be required by regulations of the United States of America or any agency thereof in connection with such bid or bids.

Sec. 3. Minimum number of bids for public contracts.—Proposal forms shall be mailed to prospective bidders in connection with awarding contracts under subparagraph (1), Section 2, listed above, but the award may be made if only one bid has been received.

Sec. 4. No Evasion Permitted.—No bill or contract shall be divided for the purpose of evading the provisions of this Act.

Sec. 5. City not limited on certain construction or repairs with own regular employees.—The City is authorized to make repairs, install any sewer lines, water lines, street improvements, improvements or repairs to the electric utilities, or other improvements with its own regular employees regardless of the amount of the estimated cost, and to construct new buildings with its own regular employees when the estimated cost of each building shall not exceed fifteen thousand dollars ($15,000.00); provided, funds have been made available for such repairs or improvements.

Sec. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 248 CHAPTER 384

AN ACT TO IMPROVE THE UNIFORMITY OF STOP LIGHTS SO THAT STOP LIGHT SIGNALS MAY BE CORRECTLY INTERPRETED BY COLOR-BLIND PERSONS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (c) of Section 20-158 of the General Statutes is hereby amended by adding to the end thereof a new sentence, to read as follows:

"All such stop lights emitting alternate red and green lights shall be so arranged and placed that the red light shall appear at the top of the signaling unit and the green light shall appear at the bottom of the signaling unit."

Sec. 2. Section 20-169 of the General Statutes is hereby amended by adding to the end thereof a new sentence, to read as follows:

"Signaling devices of a stop light nature erected pursuant to this Section and which emit alternate red and green lights shall be so arranged and placed that the red light shall appear at the top and the green light shall appear at the bottom of the signaling unit."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on July 1, 1955.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 263 **CHAPTER 385**

AN ACT TO AMEND CHAPTER 96, GENERAL STATUTES OF NORTH CAROLINA, AS AMENDED, KNOWN AS THE EMPLOYMENT SECURITY LAW, TO PROVIDE FOR A FURTHER REDUCTION IN THE RATE OF CONTRIBUTIONS AND TO EXTEND COVERAGE THEREUNDER TO CONFORM WITH THE PROVISIONS OF THE FEDERAL UNEMPLOYMENT TAX ACT AND TO FURTHER CLARIFY CERTAIN PROVISIONS OF SAID CHAPTER.

The General Assembly of North Carolina do enact:

Section 1. That Article 1, Chapter 96, Section 4, subsection (1), paragraph (1), subparagraph (h), General Statutes of North Carolina, as such appears in the 1953 Cumulative Supplement of Volume 2C thereof, be and the same is hereby amended by striking out that part of said subparagraph beginning with the word "Provided" in line 6 thereof and continuing through the word "account" which immediately precedes the colon in line 9 of said subparagraph and inserting in lieu thereof the following: "Provided, that any benefits paid under the provisions of this subparagraph shall not be charged to the account of any employer as provided in Section 96-9, subsection (c) (2) of this Chapter".

Sec. 2. That Article 1, Chapter 96, Section 4, subsection (1), paragraph (1), General Statutes of North Carolina, as such appears in the 1953 Cumulative Supplement of Volume 2C thereof, be and the same is hereby amended by adding thereto an additional subparagraph as follows:

"(J) Wages earned by an individual in covered employment in one state which are as much as the eligibility requirements of such state may be combined with wages earned by such individual in one or more other states which are less than the eligibility requirements of such other state or states and may constitute the basis for the payment of benefits through a single and appropriate agency under terms which the Commission finds will be fair and reasonable as to all affected interests; provided that any benefits paid based on wages earned in this State which are less than the eligibility requirements of this Chapter shall not be charged to the account of the employer under the provisions of Section 96-9 (c) (2)."

Sec. 3. That Article 2, Chapter 96, Section 8, subsection (f), paragraph (1), General Statutes of North Carolina, as such appears in the 1953 Cumulative Supplement of Volume 2C thereof, be and the same is hereby amended by striking out "for" after the words "Provided" in line 5 thereof and inserting in lieu thereof the following:

"with respect to employment during the calendar year 1956, 'employer' means any employing unit which in each of twenty different weeks within such calendar year (whether or not such weeks are or were consecutive) has, or had in employment, four or more individuals (not necessarily simultaneously and irrespective of whether the same individuals are or were employed in each such week), and with respect to employment on and after January 1, 1957, 'employer' means any employing unit which in each twenty different weeks within the current or preceding calendar year (whether or not such weeks are or were consecutive) has, or had in employment, four

or more individuals (not necessarily simultaneously and irrespective of whether the same individuals are or were employed in each such week): Provided further, for".

Sec. 4. That Article 2, Chapter 96, Section 8, subsection (n), paragraph (1), General Statutes of North Carolina, as such appears in the 1953 Cumulative Supplement of Volume 2C thereof, be and the same is hereby amended by inserting in line 2 thereof after the word "bonuses" and before the word "and" the following:

"and any sums paid to an employee by an employer pursuant to an order of the National Labor Relations Board or by private agreement, consent or arbitration for loss of pay by reason of discharge".

Sec. 5. That Article 2, Chapter 96, Section 9, subsection (b), General Statutes of North Carolina, as such appears in the 1953 Cumulative Supplement of Volume 2C thereof, be and the same is hereby amended by striking out said subsection (b) in its entirety and inserting in lieu thereof the following:

"(b) Rate of Contributions.—(1) Each employer shall pay contributions with respect to employment during any calendar year prior to January 1, 1955, as required by this Chapter prior to such January 1, 1955, and each employer shall pay contributions equal to two and seven-tenths (2.7) per cent of wages paid by him during the calendar year 1955 and each year thereafter with respect to employment occurring after December 31, 1954, which shall be deemed the standard rate of contributions payable by each employer except as provided herein.

"(2) (A) No employer's contribution rate shall be reduced below the standard rate for any calendar year unless and until his account has been chargeable with benefits throughout the twelve consecutive calendar-month period ending July 31 immediately preceding the computation date and his reserve ratio meets the requirements of that schedule used in the computation.

"(B) The Commission shall, for each year, compute a reserve ratio for each employer whose account has been chargeable with benefits as set forth in G. S. 96-9 (b) (2) (A) of this Chapter. An employer's reserve ratio shall be the quotient obtained by dividing the balance of such employer's account as of July 31 of each year by the total taxable payroll of such employer for the thirty-six calendar-month period ending June 30 preceding the computation date.

"(3) The applicable schedule of rates for a calendar year shall be determined by the fund ratio resulting when the total amount available for benefits in the unemployment insurance fund, as of the computation date, is divided by the total amount of the taxable payroll of all subject employers for the twelve-month period ending June 30 preceding such computation date. Schedule A, B, C, D, E, F, G, or H appearing on the line opposite such fund ratio in the table below shall be applicable in determining and assigning each eligible employer's contribution rate for the calendar year immediately following the computation date:

FUND RATIO SCHEDULES

When the Fund Ratio Is: As Much As	But Less Than	Applicable Schedule
.....	4.5%	A
4.5%	5.5%	B
5.5%	6.5%	C
6.5%	7.5%	D
7.5%	8.5%	E
8.5%	9.5%	F
9.5%	10.5%	G
10.5% and in excess thereof		H

Variations from the standard rate of contributions shall be determined and assigned, with respect to each calendar year, to employers eligible therefor according to each employer's reserve ratio, and each employer shall be assigned the contribution rate appearing in the applicable schedule A, B, C, D, E, F, G, or H on the line opposite his reserve ratio as set forth in the Experience Rating Formula below:

EXPERIENCE RATING FORMULA

When the Reserve Ratio Is: As Much As	But Less Than	Schedules A	B	C	D	E	F	G	H
	1.4%	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.7
1.4%	1.6%	2.7	2.7	2.7	2.7	2.7	2.7	2.7	2.5
1.6%	1.8%	2.7	2.7	2.7	2.7	2.7	2.7	2.5	2.3
1.8%	2.0%	2.7	2.7	2.7	2.7	2.7	2.5	2.3	2.1
2.0%	2.2%	2.7	2.7	2.7	2.7	2.5	2.3	2.1	1.9
2.2%	2.4%	2.7	2.7	2.7	2.5	2.3	2.1	1.9	1.7
2.4%	2.6%	2.7	2.7	2.5	2.3	2.1	1.9	1.7	1.5
2.6%	2.8%	2.7	2.5	2.3	2.1	1.9	1.7	1.5	1.3
2.8%	3.0%	2.5	2.3	2.1	1.9	1.7	1.5	1.3	1.1
3.0%	3.2%	2.3	2.1	1.9	1.7	1.5	1.3	1.1	0.9
3.2%	3.4%	2.1	1.9	1.7	1.5	1.3	1.1	0.9	0.7
3.4%	3.6%	1.9	1.7	1.5	1.3	1.1	0.9	0.7	0.5
3.6%	3.8%	1.7	1.5	1.3	1.1	0.9	0.7	0.5	0.4
3.8%	4.0%	1.5	1.3	1.1	0.9	0.7	0.5	0.4	0.3
4.0%	4.2%	1.3	1.1	0.9	0.7	0.5	0.4	0.3	0.2
4.2%	4.4%	1.1	0.9	0.7	0.5	0.4	0.3	0.2	0.1
4.4% and in excess thereof		0.9	0.7	0.5	0.4	0.3	0.2	0.1	0.1

"(A) New rates shall be assigned to eligible employers effective January 1, 1955, and each January 1 thereafter, in accordance with the foregoing Fund Ratio Schedule and Experience Rating Formula.

"(B) The computation date for all contribution rates shall be August 1 of the calendar year preceding the calendar year with respect to which such rates are effective.

"(C) Any employer may at any time make a voluntary contribution, additional to the contributions required under this Chapter, to the fund to be credited to his account, and such voluntary contributions when made shall for all intents and purposes be deemed 'contributions required' as

said term is used in G. S. 96-8 (i). Any voluntary contributions so made by an employer within thirty days after the date of mailing by the Commission, pursuant to G. S. 96-9 (c) (3) herein, of notification of contribution rate contained in cumulative account statement and computation of rate, shall be credited to his account as of the previous July 31. Provided, however, any voluntary contribution made as provided herein after July 31 of any year shall not be considered a part of the balance of the unemployment insurance fund for the purposes of G. S. 96-9 (b) (3) until the following July 31. The Commission in accepting a voluntary contribution shall not be bound by any condition stipulated in or made a part of such voluntary contribution by any employer.

"(D) If within the calendar month next following the computation date the Commission finds that any employing unit has failed to file any report required in connection therewith, or has filed a report which the Commission finds incorrect or insufficient, the Commission shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to it at the time and shall notify the employing unit thereof by registered mail addressed to its last known address. Unless such employing unit shall file the report or a corrected or sufficient report, as the case may be, within fifteen days after the mailing of such notice, the Commission shall compute such employing unit's rate of contributions on the basis of such estimates, and the rate as so determined shall be subject to increases but not to reduction, on the basis of subsequently ascertained information."

Sec. 6. That Article 2, Chapter 96, Section 9, subsection (c), paragraph (4) subparagraph (B), General Statutes of North Carolina, as such appears in the 1953 Cumulative Supplement of Volume 2C thereof, be and the same is hereby amended by adding thereto the following:

"Irrespective of any other provisions of this Chapter, when an account is transferred in its entirety by an employer to a successor, the transferring employer shall thereafter pay the standard rate of contributions of two and seven-tenths (2.7) per cent and shall continue to pay at such rate until he qualifies for a reduction in rate under the conditions prescribed in Section 96-9 (b) (2) and (3)."

Sec. 7. That Article 2, Chapter 96, Section 14, subsection (e), General Statutes of North Carolina, as such appears in Volume 2C thereof at page 230, be and the same is hereby amended by striking out the last eight words of said subsection and inserting in lieu thereof the following:

"the difference figured to the nearest multiple of one dollar ($1.00) between the weekly benefit amount and such remuneration."

Sec. 8. That Article 2, Chapter 96, Section 14, General Statutes of North Carolina, as amended and as such appears in Volume 2C thereof, be and the same is hereby amended by adding thereto a new subsection as follows:

"(h) For any week with respect to which he has received any sum from the employer pursuant to an order of the National Labor Relations Board or by private agreement, consent or arbitration for loss of pay by reason of discharge. When the amount so paid by the employer is in a lump sum

and covers a period of more than one week, such amount shall be allocated to the weeks in the period on a pro rata basis; provided further that if the amount so prorated to a particular week is less than the benefits which would otherwise be due under this Chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits as provided under Section 96-12 of this Chapter."

Sec. 9. That Article 2, Chapter 96, Section 18, subsection (e), General Statutes of North Carolina, as such appears in the 1953 Cumulative Supplement of Volume 2C thereof be and the same is hereby amended by striking out said subsection and inserting in lieu thereof the following:

"(e) An individual shall not be entitled to receive benefits for one year beginning with the first day of any benefit week with respect to which he, or another in his behalf with his knowledge, has been found to have knowingly made a false statement or misrepresentation or who has knowingly failed to disclose a material fact to obtain or increase any benefit or other payment under this Chapter."

Sec. 10. That Article 2, Chapter 96, Section 11, subsection (b), General Statutes of North Carolina, as such appears in the 1953 Cumulative Supplement of Volume 2C thereof, be and the same is hereby amended by striking out the period following the parenthesis after the word "week" in line 9 thereof and preceding the word "For" in said line and inserting in lieu thereof the following:

"; provided that effective January 1, 1957, except as otherwise provided in subsections (a), (c) and (d) of this Section, an employing unit shall cease to be an employer subject to this Chapter only as of the first day of January of any calendar year, if it files with the Commission prior to the first day of March of such year a written application for termination of coverage and the Commission finds that there were no twenty different weeks within the preceding calendar year (whether or not such weeks are or were consecutive) within which said employing unit employed four or more individuals in employment (not necessarily simultaneously and irrespective of whether the same individuals were employed in each such week)."

Sec. 11. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 373 CHAPTER 386

AN ACT TO AMEND ARTICLE 13 OF CHAPTER 44 OF THE GENERAL STATUTES RELATING TO FACTORS' LIENS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 44-71 is amended by striking out the privisos appearing in lines 15 to 20, inclusive, in the first paragraph of said Section and

inserting in lieu thereof the following: "provided that a notice of the lien is filed stating".

Sec. 2. G. S. 44-73 is rewritten to read as follows: "G. S. 44-73. Effect of Registration. Such notice may be filed for registration at any time after the making of the agreement and shall be effectual from the time of the filing thereof as against all claims of unsecured creditors of the borrower and as against subsequent liens of creditors, except that if, pursuant to the laws of this State, a lien should subsequently attach to the materials, goods in process, or merchandise in favor of a processor, dyer, mechanic, or other artisan, or in favor of a landlord, then the lien of the factor on such materials, goods in process, or merchandise shall be subject to such subsequent lien. When materials, goods in process, or merchandise subject to the lien provided for by this Act are sold in the ordinary course of the business of the borrower, such lien, whether or not the purchaser has knowledge of the existence thereof, shall terminate as to the materials, goods in process or merchandise and shall attach without further act, writing or formality to any obligation to pay for the same and to any other proceeds of such sale of goods of the borrower including such accounts receivable or obligation as may be created in the hands of the borrower, without filing an additional notice."

Sec. 3. G. S. 44-75 is amended by striking out in line four of said Section the words "and posting the sign".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective July 1, 1955.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 408 CHAPTER 387

AN ACT TO AMEND CHAPTER 166 OF THE GENERAL STATUTES RELATING TO CIVIL DEFENSE AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 166-2 (a), as it appears in the 1953 Supplement to the General Statutes, is amended by striking out the words "or windstorm," in line 5, and inserting in lieu thereof the words "windstorm or explosion."

Sec. 2. G. S. 166-5 (a) as it appears in the 1953 Supplement to the General Statutes, is rewritten to read as follows:

"G. S. 166-5. Civil Defense Powers of the Governor.

(a) The Governor shall have general direction and control of the Civil Defense Agency and shall be responsible for the carrying out of the provisions of this Chapter and, in the event of disaster or the threat of disaster beyond local control or when requested by the governing body of any county, city or town in the State, may assume direct operational control over all or any part of the civil defense functions within this State."

Sec. 3. G. S. 166-5 (b) is amended by adding at the end thereof two subsections to be designated as "(7)" and "(8)" and to read as follows:

"(7) On behalf of this State to enter into mutual aid agreements or compacts with other States and with the Federal Government, either on a State-wide basis or local political subdivision basis, or with a neighboring State. Such mutual aid agreements shall be limited to the furnishing or exchange of food, clothing, medicine and other supplies; engineering services; emergency housing; police services, National or State guards while under the control of this State; health, medical and related services; fire-fighting, rescue, transportation and construction services and equipment; communications and radiological monitoring services, supplies and equipment; personnel necessary to provide or conduct these services; and such other supplies, equipment, facilities, personnel, and services as may be needed; the reimbursement of costs and expenses for equipment, supplies, personnel and similar items for mobile support units, and other agencies acting under such agreements; and on such terms and conditions as are deemed necessary."

"(8) To make such studies and surveys of the industries, resources and facilities in this State as may be necessary to ascertain the capabilities of the State for Civil Defense, and to plan for the most efficient emergency use thereof."

Sec. 4. G. S. 166-6 is amended by striking out subsections (1) and (4). Said Section is further amended by renumbering the present subsection (2) as subsection (1), by renumbering the present subsection (3) as subsection (2) and by rewriting the same to read as follows:

"(2) To employ such measures and give such directions to all State departments, commissions, boards, bureaus and other agencies, and to their counterparts in the political subdivisions, as may be reasonably necessary for the purpose of securing compliance with the provisions of this Chapter or with the findings or recommendations of the above named agencies by reason of conditions arising from enemy attack or the threat of enemy attack or otherwise."

Sec. 5. G. S. 166-11 is amended by striking out in lines 6 and 7 the word "authorized" and inserting in lieu thereof the word "required." This Section is further amended by adding at the end thereof a new sentence to read as follows: "This authority shall extend to all disasters and for civil defense training purposes."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 413 CHAPTER 388

AN ACT RELATING TO THE TRANSFER OF PROPERTY BY WILL TO THE TRUSTEE OF AN EXISTING TRUST.

The General Assembly of North Carolina do enact:

Section 1. Chapter 31 of the General Statutes is hereby amended by

adding a new Section at the end of the Chapter, immediately following G. S. 31-46, to read as follows:

"G. S. 31-47. Devise or bequest to trustee of an existing trust.—A devise or bequest in a will duly executed pursuant to the provisions of this Chapter may be made in form or substance to the trustee of a trust established in writing prior to the execution of such will. Such devise or bequest shall not be invalid because the trust is amendable or revocable or both by the settlor or any other person or persons; nor because the trust instrument or any amendment thereto was not executed in the manner required for wills; nor because the trust was amended after execution of the will. Unless the will provides otherwise, such devise or bequest shall operate to dispose of property under the terms of the trust as they appear in writing at the testator's death and the property shall not be deemed held under a testamentary trust. An entire revocation of the trust prior to the testator's death shall invalidate the devise or bequest."

Sec. 1½. This Act shall not apply to actions pending as of the effective date hereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 478 CHAPTER 389

AN ACT MAKING IT A MISDEMEANOR IN SAMPSON COUNTY TO CUT, FELL OR REMOVE TIMBER FROM THE LANDS OF ANOTHER, AND TO PURCHASE THE SAME KNOWING THAT SAID TIMBER HAS BEEN CUT OR REMOVED FROM THE LANDS OF ANOTHER WITHOUT THE CONSENT OF THE OWNER THEREOF.

The General Assembly of North Carolina do enact:

Section 1. If any person, or his agent or employee, shall cut, fell or remove any timber tree, for the purpose of sale or gain, knowing the same to be upon the land of another, without the consent of the owner thereof, the person so cutting, felling or removing, or causing the same to be done, shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court. The prosecution for any offense committed under this Section shall be commenced within one year after its commission.

Sec. 2. Any person violating the provisions of the first Section of this Act shall also be liable to the owner of such timber in an amount equal to double the value of the timber so cut, felled or removed, to be recovered in a civil action brought therefor.

Sec. 3. If any person, firm or corporation shall purchase or receive any timber tree knowing the same to have been cut or removed from the lands of another, without the consent of the owner thereof, or shall purchase or receive any logs, planks, boards, staves, shingles or other lumber made from such timber tree knowing the same to have been cut or removed as

aforesaid, the person so offending shall be guilty of a misdemeanor, and shall be fined or imprisoned in the discretion of the court. The prosecution for any offense committed under this Section shall be commenced within one year after its commission.

Sec. 4. Any person violating the provisions of the third Section of this Act, shall also be liable to double the amount of the actual damages accruing to the owner of such timber, to be recovered in a civil action brought therefor.

Sec. 5. This Act shall apply only to Sampson County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Section shall not affect pending litigation.

Sec. 8. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 512 CHAPTER 390

AN ACT TO REGULATE THE OPERATION OF MOTORBOATS AND OTHER CRAFT ON THE WATERS OF THE YADKIN AND PEE DEE RIVERS IN MONTGOMERY AND STANLY COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. When used in this Act, the word "motorboat" shall mean a vessel propelled by machinery and not more than sixty-five (65) feet in length. The word also includes crafts, temporarily or permanently equipped with detachable motors, commonly known as "outboard" motors.

Sec. 2. The following rules for the operation of motorboats on the waters of the Yadkin River, Pee Dee River, Badin Lake, Lake Tillery, and other bodies of water formed by the impounding of the waters of the Yadkin and Pee Dee Rivers within the boundaries of Stanly and Montgomery Counties and that portion of Badin Lake extending into Davidson County are hereby established:

1. Every person operating a motorboat shall at all times operate the same in a careful and prudent manner and at such rate of speed as not to endanger the property of another or the life or limb of any person.

2. No motorboat shall be operated in a reckless manner. Reckless operation shall include operating a motorboat in a manner which unnecessarily interferes with the free and proper use of said waters, or unnecessarily endangers other craft therein, or the life or limb of any person.

3. No person, who is a habitual user of narcotic drugs or who is under the influence of intoxicating liquor or narcotic drugs, shall operate a motorboat upon the waters referred to above.

Sec. 3. Every motorboat, as defined in Section 1 of this Act, and every rowboat, canoe, sailboat or other craft, whether mechanically or hand-propelled while being operated on the waters referred to in Section 2 of this Act, shall carry for every person aboard such boat or craft a life preserver, life belt or bouyant cushion.

Sec. 4. Every motor operated for propulsion of a boat on the waters referred to in Section 2 of this Act shall be equipped with a muffling device in good working order sufficient to prevent excessive or unusual noise.

Sec. 5. Any person violating the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall be punished by fine of not more than fifty dollars ($50.00) or imprisonment for not more than thirty (30) days.

Sec. 6. Nothing in this Act shall be construed to interfere with or limit in any manner the construction, maintenance or operation by the owner or owners of the hydroelectric power development or of said lakes shall be deemed permissive, and no claim, right or demand of any kind whatsoever shall be asserted against the owner or owners of said hydroelectric power development or of said lakes by reason of said use or enjoyment, irrespective of the length of time.

Sec. 7. It shall be the duty of the peace officers of Davidson, Montgomery and Stanly Counties to enforce the provisions of this Act. The peace officers of the three counties are authorized to make arrests at any place on or within said waters, and the courts of the three counties shall have jurisdiction over offenses committed at any place on or within said waters.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 539 CHAPTER 391

AN ACT AMENDING CHAPTER 107, PRIVATE LAWS OF 1931, THE SAME BEING AN AMENDMENT TO THE CHARTER OF THE CITY OF HIGH POINT AS CONTAINED IN CHAPTER 395, PUBLIC-LOCAL LAWS OF 1909.

The General Assembly of North Carolina do enact:

Section 1. That Section 3, Article III, Chapter 107, Private Laws of 1931, be and the same is hereby rewritten to read as follows:

"Sec. 3. Councilmen of the City of High Point shall be elected for terms of office as hereinafter provided, and shall hold office until their successors are duly elected and qualified. Any duly qualified elector of the City of High Point resident in the ward from which he shall offer himself as councilman shall be eligible for the office of City Councilman. In the event of death, resignation, removal from the ward which he may represent or disability from any cause, as councilman, the Council of the City of High Point shall choose a member from among the qualified voters of the ward of the vacating councilman to fill such vacancy and to serve until the next municipal election when such unexpired term shall be filled by a vote of the people as provided in this Act."

Sec. 2. That Section 7, Article III, Chapter 107, Private Laws of 1931, be and the same is hereby rewritten to read as follows:

"Sec. 7. The compensation of the Mayor of the City of High Point shall be a salary of eighteen hundred dollars ($1800.00) per year, payable from the General Fund in twelve equal monthly installments. The compensation of each member of the City Council shall be a salary of one thousand twenty dollars ($1,020.00) per year, payable from the General Fund in twelve equal monthly installments."

Sec. 3. That Section 9, Article IV, Chapter 107, Private Laws of 1931 be rewritten to read as follows:

"Sec. 9. That on the second Tuesday before the first Monday in May, 1955, there shall be held in the several precincts of the City of High Point a primary election for the purpose of nominating two candidates of each political party from each ward for councilman and one candidate for mayor of each political party in the City of High Point and that the two candidates for councilmen from each ward and the candidate for mayor from each political party shall be declared the nominees of their respective parties for such offices at the election to be held on the first Tuesday after the first Monday in May, 1955.

"That on the second Tuesday before the first Monday in May, 1957, and biennially thereafter, there shall be held in the several precincts of the City of High Point a primary election for the purpose of nominating one candidate of each political party from each ward for councilman and one candidate for mayor of each political party in the City of High Point, and the candidates for councilman from each ward and the candidate for mayor of each political party receiving the highest number of votes shall be declared the nominees of their respective parties for such offices at the election to be held on the first Tuesday after the first Monday in May."

Sec. 4. That Section 12, Article IV, Chapter 107, Private Laws of 1931 be rewritten to read as follows:

"Sec. 12. That if not more than two names from any political party be filed with the Chairman of the Municipal Board of Elections for nomination as candidate for councilman of each ward, then such board shall declare such persons to be the duly nominated candidates of such political party for such offices in the election to be held on the first Tuesday after the first Monday in May 1955; and if not more than one name from each political party for the nomination of candidate for mayor be filed with the Chairman of the Municipal Board of Elections, then such person shall be declared the candidate of such political party for mayor at the election to be held on the first Tuesday after the first Monday in May 1955. If there be more than two candidates of any one political party for councilman from any one ward or if there be more than one candidate of any political party for mayor, then the primary herein provided for shall be held as to such candidates only.

"That if not more than one name from each political party for nomination as candidate for councilman from any ward for such party be filed with the Chairman of the Municipal Board of Elections in 1957, and biennially thereafter, then such board shall declare such person to be the duly nominated candidate of such political party for such office in the election to be held on the first Tuesday after the first Monday in May,

1957, and biennially thereafter on the first Tuesday after the first Monday in May; and if not more than one name from each political party for the nomination as candidate for mayor be filed with the Chairman of the Municipal Board of Elections, then such person shall be declared the candidate of such political party for mayor at the election to be held on the first Tuesday after the first Monday in May 1957, and biennially thereafter. If there be more than one candidate of any political party for councilman from each ward or if there be more than one candidate from any political party for mayor; then the primary herein provided for shall be held as to such candidates only."

Sec. 5. That Section 21, Article IV, Chapter 107, Private Laws of 1931 be rewritten to read as follows:

"Sec. 21. The candidate for mayor receiving the highest number of votes shall be elected. The candidate for councilman from each ward receiving the highest number of votes at the election to be held on Tuesday after the first Monday of May 1955, shall be elected for a term of four (4) years and shall hold office until his successor is duly elected and qualified. The candidate from each ward receiving the second highest number of votes shall be elected for a term of two (2) years and shall hold office until his successor is duly elected and qualified. In the event of tie in the number of votes for two candidates offering from the same ward in the 1955 election, there shall be held a city-wide election on the first Tuesday after the second Monday in May 1955, between such two candidates receiving the same number of votes for the purpose of determining which of such candidates shall hold office for a term of four (4) years and which candidate shall hold office for a term of two (2) years: Provided, that in case of a tie vote, if either candidate wishes to yield to the other, no second election shall be necessary.

"That at the election to be held on the first Tuesday after the first Monday in May 1957, and biennially thereafter on the first Tuesday after the first Monday in May, there shall be elected a mayor who shall hold office for a term of two (2) years and one councilman from each of the four wards of the City of High Point, and such four councilmen so elected shall hold office for a term of four (4) years."

Sec. 6. That Section 21, Article IV, Chapter 107, Private Laws of 1931, be rewritten to read as follows:

"Sec. 22. The Municipal Board of Elections shall meet immediately after the Board of Canvassers shall have completed their canvass and tabulate the votes and certify to the Council of the City of High Point the results of the election, setting forth the names of the candidates elected, the respective offices to which they have been elected and the term of office for which each has been elected. The result as tabulated shall be certified by the Municipal Board of Elections and shall be filed with the Council of the City of High Point on the date on which the canvass is made by the Board of Canvassers. The City Council shall set out in the minutes of the Council the report of the Board of Canvassers as certified by the Municipal Board of Elections. Upon qualifying, the candidates so elected shall take office on the second Tuesday after the first Monday in May 1955, and

biennially thereafter: Provided, that in the event there be a tie between two candidates from the same ward in the 1955 election, then the candidates elected as provided by the Charter of the City of High Point shall take office on Tuesday after the third Monday in May, 1955."

Sec. 7. The provisions of the General Statutes of North Carolina and amendments thereto shall not be invoked to repeal or amend this Act prior to the first day of July, 1955, not later than December 1st 1955.

Sec. 8. In the event any part, Section or subdivision of this Act shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Act, but the same shall be continued in full force and effect notwithstanding such holding.

Sec. 9. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 554 CHAPTER 392

AN ACT AUTHORIZING THE COUNTY SUPERINTENDENT OF SCHOOLS AND THE COUNTY BOARD OF EDUCATION OF CUMBERLAND COUNTY TO OCCUPY OFFICES OUTSIDE THE CITY LIMITS OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Education of Cumberland County be and it is hereby authorized, in its discretion, to move its offices and the office of the County Superintendent of Schools from the county courthouse in the City of Fayetteville to a site beyond the city limits on U. S. Highway 301, South of Fayetteville, conveyed to the County Board of Education by the Cumberland County Board of Commissioners for the purpose of maintaining its offices.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 560 **CHAPTER 393**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HALIFAX COUNTY TO LEVY A TAX UPON THE PROPERTY IN SCOTLAND NECK, PALMYRA, ROSENEATH AND CONOCONARA TOWNSHIPS IN HALIFAX COUNTY FOR THE OPERATION, MAINTENANCE AND EQUIPPING OF "OUR COMMUNITY HOSPITAL, INCORPORATED," A NON-PROFIT, CHARITABLE ORGANIZATION.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Halifax County is authorized and directed, after ten days notice at the court house door and one publication in one or more newspapers published in Halifax County, to order a special election to be held at such time as it may fix to determine the will of the people of Scotland Neck, Palmyra, Roseneath and Conoconara Townships as to whether or not the Board of County Commissioners of Halifax County shall levy a special annual tax not to exceed fifteen cents (15c) on each one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in the four townships above named and which said tax levy shall not exceed a period of four years in duration. The said tax, if approved by a vote of the people as hereinafter provided, and the proceedings derived from same, shall be set aside and used as a fund for financing the cost of operation, equipment, maintenance, payment of salaries, supplies and any deficit or deficits of the "Our Community Hospital, Incorporated", a non-profit, charitable organization and hospital operated for the use and benefit of the public and for the treatment of charitable and indigent cases. The question of levying such special annual tax upon the assessed value of the real and personal property taxable in the four townships above named shall be submitted to the qualified voters of the said four townships above named at an election to be held as hereinafter provided. The rate or amount of such tax or taxes for which the levy may be made hereunder shall be determined by the Board of Commissioners of Halifax County not to exceed fifteen cents (15c) on each one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in said four townships above named, and a ballot should be furnished to each qualified voter at said election to be held in said four townships above named, which ballot may contain the words "For Hospital Maintenance Tax (briefly stating any other pertinent information)," and "Against Hospital Maintenance Tax (briefly stating any other pertinent information)," with squares in front of each proposition, in one of which squares the voter may make a cross mark (X); but any other form of ballot containing adequate information and properly stating the question to be voted upon shall be construed as being in compliance with this Act. Such election shall be held in the same method and manner and under the same rules and regulations of law as elections held under Article 9 of Chapter 153 of the General Statutes, the same being an Article of the County Finance Act, as amended, and said election may be held at any time fixed by the Board of County Commissioners of Halifax County and regardless of whether

the same is held one month before or after, or any other period of time before or after, any regular election for county officers or any other general or special election. It shall not be necessary to order a new registration for the purpose of this election unless the board of county commissioners in its discretion shall desire to do so, and said Board of County Commissioners of Halifax County may designate judges, registrars and other election officers for general election purposes to hold and conduct said election but in accordance with the provisions of Article 9 of Chapter 153 of the General Statutes, as amended, the Board of County Commissioners of Halifax County may use the registration books and other election records available in the five precincts of the four townships above named for the purposes of said election. The tax levy herein provided for shall not be effective unless approved by a majority of those who shall vote in such election for such purposes.

Sec. 2. The tax, taxes or tax levy authorized under Section 1 of this Act shall be in addition to the twenty cents (20c) levied, authorized, by the Constitution for general purposes in addition to all other taxes levied in said four townships and in addition to all other levies limited by the Constitution. The tax, taxes and tax levy authorized hereunder are hereby declared necessary and to be for a special and necessary public purpose and for the special purpose of maintaining, equipping and operating said hospital as set forth in Section 1 of this Act.

Sec. 3. If said tax levy, as herein authorized, is approved in said election, then the same shall be levied and collected by the Board of County Commissioners of Halifax County in the same manner and method as all other county taxes and the same shall be set aside in a special account and in a special fund for the use and benefit of said hospital, as provided in this Act. The said tax funds shall be disbursed by the Board of Commissioners of Halifax County upon application made by the governing authority of "Our Community Hospital, Incorporated", or its duly authorized administrator, the treasurer, or other proper fiscal agent. The said fund shall be paid out according to the regular fiscal control system of the county and according to vouchers countersigned by the county auditor, but the decision of the governing authority of "Our Community Hospital, Incorporated", or its administrator or other managing agent shall be final as to the objectives and purposes for which said funds shall be used and the amounts needed for such purposes, and said payments may be made at any time during regular office hours whether the board of commissioners shall be in session or not.

Sec. 4. The powers granted by this Act shall be in addition to supplementary, and not as a substitute for, existing powers of said Halifax County to levy taxes to finance the cost of operation, equipment and maintenance of any hospital facilities or any non-profit, charitable hospital.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 572 **CHAPTER 394**

AN ACT TO AMEND CHAPTER 767 OF THE SESSION LAWS OF 1947 RELATING TO THE SELECTION OF SCHOOL COMMITTEEMEN FOR THE GRAHAM PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 767 of the Session Laws of 1947 is rewritten to read as follows:

"Section 1. The school committee for the Graham Public Schools shall consist of five members who shall be qualified electors of the town and shall be elected for terms of three years each. On the second Thursday in April, 1955, the Mayor of the Town of Graham shall call a public meeting of all of the qualified voters of the town to meet at 8:00 P.M. in the Graham High School Auditorium for the purpose of selecting by majority vote the Graham Public School Committeemen to fill the vacancies caused by expiration of terms of office of committeemen which will expire on July 1, 1955."

Sec. 2. Section 2 of Chapter 767 of the Session Laws of 1947 is rewritten to read as follows:

"Sec. 2. At the meeting authorized in Section 1 of this Act, three school committeemen shall be elected, two of whom shall serve for a period of three years from the 1st day of July, 1955, and one of whom shall serve for a period of two years from the 1st day of July, 1955. All committeemen elected shall serve until their successors are elected and qualify. The mayor of the town shall call a meeting as provided in Section 1 of this Act on the second Thursday in April of each year in which the term of office of any member of the school committee expires for the purpose of selecting a successor or successors. After their first term of office each committeeman shall be elected for terms of three years each."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 588 **CHAPTER 395**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF MAYSVILLE, IN JONES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Maysville in Jones County are hereby extended so as to include within said corporate limits a tract or boundary of land contiguous to the present town limits and particularly bounded and described as follows:

BEGINNING in the center of the Atlantic Coast Line Railroad tracks in the South line of the present town limits and running thence with said old South line of the present town limits North 89 degrees 55 minutes West

605 feet to the center of U. S. 17 highway; thence with the center of said highway South 6 degrees 00 minutes West 200 feet; South 6 degrees 50 minutes West 200 feet; South 9 degrees 05 minutes West 138 feet to the intersection of the center of the cemetery drive; thence continuing with the center of U. S. 17 highway South 11 degrees 30 minutes West 200 feet; South 14 degrees 30 minutes West 200 feet; South 17 degrees 40 minutes West 200 feet; South 20 degrees 20 minutes West 150 feet to a pointer in the center of the aforesaid U. S. highway 17; thence South 69 degrees 20 minutes East 244 feet to a stake in or near the center of the old abandoned Maysville-Jacksonville public road; thence South 57 degrees 00 minutes East 477 feet to the center of the Atlantic Coast Line Railroad tracks; thence northwardly with the center of said Atlantic Coast Line Railroad tracks 1753 feet to the BEGINNING.

Sec. 2. That taxable real estate within the newly annexed territory and personal property having a taxable situs therein shall be listed for ad valorem taxation as of January 1, 1956.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. B. 780 CHAPTER 396

AN ACT AMENDING CHAPTER 186, PRIVATE LAWS OF 1909, SO AS TO INCREASE THE MEMBERSHIP OF THE BOARD OF PUBLIC WORKS OF THE TOWN OF EDENTON FROM THREE TO FIVE MEMBERS, TO APPOINT TWO ADDITIONAL MEMBERS OF SAID BOARD AND TO PROVIDE THAT FOUR MEMBERS SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS.

The General Assembly of North Carolina do enact:

Section 1. That Section 54, Chapter 186, Private Laws of 1909, be and the same is hereby amended by striking out the word "three" in the first line and substituting the word "five" in lieu thereof; and by rewriting the next to last sentence thereof to read as follows:

"Four members shall constitute a quorum for the transaction of business."

Sec. 2. That Chapter 186, Private Laws of 1909, be and the same is hereby further amended by adding between Sections 54 and 55 thereof a new Section to be numbered 54½ and reading as follows:

"Sec. 54½. W. J. Yates and T. C. Byrum, Jr., are hereby appointed members of said Board of Public Works, to serve until the new board of five members shall be elected and qualified. The said W. J. Yates and T. C. Byrum, Jr., shall qualify immediately after the ratification of this Act and, together with the present members of said board, shall constitute the Board of Public Works of the Town of Edenton."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 343 **CHAPTER 397**

AN ACT TO PROVIDE FOR AN ELECTION TO DETERMINE ADOPTION OF AMENDMENT TO THE CHARTER OF THE TOWN OF CLAYTON IN JOHNSTON COUNTY AND TO ESTABLISH FILING PROCEDURE FOR TOWN ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That at the regular election of officers of the Town of Clayton in May, 1955, there shall be submitted to the qualified voters the following amendment to the Town Charter:

"The Mayor and Commissioners of the Town of Clayton shall constitute the governing body of said Town and as such is hereby vested with authority to determine administrative assignments of said Mayor and Commissioners to particular duties or departments."

The question of adoption of this amendment shall be submitted to the voters on a ballot to be provided upon which shall be printed or written the words "For Amendment Authorizing Governing Body to Determine Administrative Assignments of Members" and "Against Amendment Authorizing Governing Body to Determine Administrative Assignments of Members". If in said election, a majority of the votes cast shall be "For" the amendment, said amendment shall be adopted and become a part of the Charter of the Town of Clayton, but if a majority of the votes cast be "Against" the amendment, said amendment shall not become a part of said Charter.

Sec. 2. That at the regular election of officers of the Town of Clayton in May, 1955, there shall be submitted to the qualified voters the following amendment to the Town Charter:

"Section 1, Chapter 872 of the Session Laws of 1949 is hereby amended by striking out the words and figures 'sixty dollars ($60.00)' in line six immediately following the words 'sum of' and immediately preceding the words 'per month' and inserting in lieu thereof the words and figures 'fifteen dollars ($15.00)'.

"Section 2, Chapter 872 of the Session Laws of 1949 is hereby amended by striking out the words and figures 'seventeen and 50/100 dollars ($17.50)' in lines five and six immediately following the words 'sum of' and immediately preceding the words 'per month each' and inserting in lieu thereof the following words and figures 'ten dollars ($10.00)'."

It is the intent and purpose of this amendment to limit the salary of the Mayor to fifteen dollars ($15.00) per month and to limit the salary of each Commissioner to ten dollars ($10.00) per month.

The question of adoption of this amendment shall be submitted to the voters on a ballot to be provided upon which shall be printed or written the words "For Amendment Fixing Salaries of Mayor and Commissioners"

and "Against Amendment Fixing Salaries of Mayor and Commissioners". If, in said election, a majority of the votes cast shall be "For" the amendment, said amendment shall be adopted and become a part of the Charter of the Town of Clayton, but if a majority of the votes cast be "Against" the amendment, said amendment shall not become a part of said Charter.

Sec. 3. That at the regular election of officers of the Town of Clayton in May, 1955, there shall be submitted to the qualified voters the following amendment to the Town Charter:

"The regular election for the office of Mayor and members of the Board of Commissioners shall be held on Tuesday after the first Monday in May, 1955, and biennially thereafter under the laws of North Carolina governing municipal elections. At the regular election held in May, 1955, and biennially thereafter, a Mayor and four commissioners shall be elected at large by the qualified voters of the Town of Clayton. The Mayor shall serve for a term of two years or until his successor is duly elected and qualified. The commissioners shall serve for a term of four years, provided, however, that at the municipal election to be held on Tuesday after the first Monday in May, 1955, the two commissioners receiving the largest number of votes shall serve for a term of four years and the other two commissioners elected shall serve for a term of two years. Thereafter all commissioners duly elected shall serve for a four-year term or until their successors are duly elected and qualified."

It is the purpose and intent of this amendment to provide for four-year staggered terms of office of the commissioners.

The question of adoption of this amendment shall be submitted to the voters on a ballot to be provided upon which shall be printed or written the words "For Amendment Providing For Four-Year Staggered Terms of Office of The Commissioners" and "Against Amendment Providing For Four-Year Staggered Terms of Office of The Commissioners". If, in said election, a majority of the votes cast shall be "For" the amendment, said amendment shall be adopted and become a part of the Charter of the Town of Clayton, but if a majority of the votes cast be "Against" the amendment, said amendment shall not become a part of said Charter.

Sec. 4. That if any of the foregoing amendments shall be adopted as hereinabove provided for, then and in such event, such amendment or amendments shall be in full force and effect from and after the date upon which the officers elected at said election begin the term of office to which said officers are elected.

Sec. 5. That any qualified elector of the Town of Clayton may file as a candidate for Mayor or Commissioner by formal notice of candidacy in the following form:

I, ..., hereby give notice that I reside at

..... Street, in the Town of Clayton; that I am a

candidate for election to the office of .....,

to be voted on at the election to be held on .....,

and I hereby request that my name be printed on the official ballot for such office.

..... Candidate

..... Date

Witness:

.....

Such notice must be filed with the Town Clerk not earlier than sixty (60) days nor later than fifteen (15) days before the date of election. The Town Clerk shall preserve all such notices until expiration of the term of the office for which the candidate filed. Any candidate may withdraw his nomination not later than the last day for filing notice of candidacy by filing a notice of withdrawal with the Town Clerk. At the time of filing the notice of candidacy for the office of Commissioner or Mayor, each candidate for such office shall pay to the Town Clerk a filing fee of five dollars ($5.00). Such fee shall be used to defray the cost of election, and should any candidate withdraw as provided for in this Section, his filing fee shall be forfeited.

Sec. 6. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

S. B. 100 CHAPTER 398

AN ACT TO AMEND G. S. 20-141, SUBSECTION 4 (f) RELATING TO THE AUTHORITY OF LOCAL GOVERNMENTS IN RELATION TO SPEED LIMITS OF MOTOR VEHICLES BY PROVIDING AUTHORITY TO DECREASE SPEED LIMITS IN SCHOOL ZONES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (f) of Section 20-141 is hereby amended by inserting therein immediately following the word "intersection" in the third line of the subsection the words "or on any street or highway in the vicinity of a public, private, or parochial school or recreational area" and is further amended by inserting therein immediately following the word "intersection" in the fourth line of the subsection the words "or on such street or highway in the vicinity of a public, private, or parochial school or recreational area" and is further amended by adding to the end of the subsection the words "or upon such street or highway."

Sec. 2. All laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1955.

H. B. 360 **CHAPTER 399**

AN ACT RELATING TO THE CONFIRMATION OF SALES OF PROPERTY BY RECEIVERS.

The General Assembly of North Carolina do enact:

Section 1. Section 505 of Chapter 1 of the General Statutes of North Carolina is amended by rewriting the second sentence thereof to read as follows:

"The procedure for such sales shall be as provided in Article 29A of Chapter 1 of the General Statutes."

Sec. 2. Section 506 of Chapter 1 of the General Statutes of North Carolina is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1955.

H. B. 503 **CHAPTER 400**

AN ACT TO AMEND G. S. 143-291, RELATING TO TORT CLAIMS AGAINST STATE DEPARTMENTS AND AGENCIES.

WHEREAS, the North Carolina General Assembly, in enacting Article 31 of Chapter 143 of the General Statutes, followed the current trend of legislative policy throughout the Nation in abandoning the age-old doctrine of sovereign immunity; and

WHEREAS, the North Carolina General Assembly felt that negligent injuries inflicted by its employees or agents, when the claimant was free from contributory negligence, should be compensated for as if inflicted by a private individual or private corporation; and

WHEREAS, it was the intent and purpose of the General Assembly to relieve itself of the judicial function of passing upon such tort claims, which had become the practice in this State prior to the adoption of said Article;

Now, therefore, to the end that the intent and purpose of this Article as stated might be perfected:

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-291 is amended to read as follows:

"G. S. 143-291. Industrial Commission constituted a court to hear and determine claims; damages.—The North Carolina Industrial Commission is hereby constituted a court for the purpose of hearing and passing upon tort claims against the State Board of Education, the State Highway and Public Works Commission, and all other departments, institutions and agencies of the State. The Industrial Commission shall determine whether or not each individual claim arose as a result of a negligent act or omission of any officer, employee, voluntary or involuntary servant or agent of the State while acting within the scope of his office, employment, service, agency or authority, under circumstances where the State of North Caro-

lina, if a private person, would be liable to the claimant in accordance with the laws of North Carolina. If the Commission finds that there was such negligence or omission on the part of an officer, employee, voluntary or involuntary servant or agent of the State while acting within the scope of his office, employment, service, agency or authority, which was the proximate cause of the injury and that there was no contributory negligence on the part of the claimant or the person in whose behalf the claim is asserted, the Commission shall determine the amount of damages which the claimant is entiled to be paid, including medical and other expenses, and by appropriate order direct the payment of such damages by the department, institution or agency concerned, but in no event shall the amount of damages awarded exceed the sum of eight thousand dollars ($8,000.00).

Sec. 1¼. Contributory negligence on the part of the claimant or the person in whose behalf the claim is asserted shall be deemed to be a matter of defense on the part of the State department, institution or agency against which the claim is asserted, and such State department, institution or agency shall have the burden of proving that the claimant or the person in whose behalf the claim is asserted was guilty of contributory negligence.

Sec. 1½. This Act shall not apply to any claim arising prior to the effective date hereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1955.

H. B. 609 CHAPTER 401

AN ACT TO REPEAL CHAPTER 521 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF 1937 AND TO PROVIDE THAT THE JAIL AND PRISONERS OF PITT COUNTY BE UNDER THE CUSTODY AND CONTROL OF THE SHERIFF OF PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 521 of the Public-Local Laws of North Carolina of 1937 and all amendments thereto be and the same are hereby repealed.

Sec. 2. That the care and custody of the common jail of Pitt County and the care, management and control of all prisoners while in said jail shall be under the care, custody and control of the Sheriff of Pitt County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1955.

H. B. 651 **CHAPTER 402**

AN ACT AMENDING G. S. 153-6 SO AS TO PROVIDE THAT VACANCIES ON THE BOARD OF COMMISSIONERS OF DAVIDSON COUNTY MAY BE FILLED BY APPOINTMENT OF THE REMAINING MEMBERS OF THE BOARD.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-6, as the same appears in Volume 3C of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Provided that in case of a vacancy occurring in the membership of the Board of Commissioners of Davidson County, such vacancy shall be filled for the remainder of the unexpired term by appointment of the remaining members of said board."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1955.

H. B. 675 **CHAPTER 403**

AN ACT TO BE SUBMITTED TO THE ELECTORS OF THE TOWN OF GRAHAM THE QUESTION OF WHETHER OR NOT PLAN D FORM OF MUNICIPAL GOVERNMENT, WITH CERTAIN MODIFICATIONS, SHALL BE ADOPTED.

The General Assembly of North Carolina do enact:

Section 1. At the next regular election to be held for the Town of Graham for the election of town officials, there shall be elected, in accordance with the election laws now in effect, a Mayor and five commissioners. The candidates for Mayor and commissioners shall be voted on at large.

Sec. 2. At the next election to be held for the election of Mayor and commissioners of the Town of Graham, there shall be submitted to the voters of said town the question of whether or not the form of municipal government known as "Plan D" as the same appears in Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina shall be put into effect as the governing authority and as the method of government of said town, with the modifications of said Plan D which shall be hereinafter set forth. In submitting the question of the adoption or rejection of the Plan D form of government as above described, the machinery and form of ballot and other details as set forth in Part 2 of Article 21 of Chapter 160 of the General Statutes of North Carolina shall be used except it shall not be necessary for any petitions to be filed with the governing authority of the town as provided in said Article.

Sec. 3. The modifications to Plan D form of government shall be as follows:

The City Council shall consist of 6 members, and shall be organized by the choice from its members of a Mayor, who shall hold his office during the term for which he was elected a member of the City Council, and a mayor pro tem., who shall hold his office during the pleasure of the City Council. The town clerk and treasurer may be appointed by the City Council, and shall not be a member of said council. The election of the Mayor and commissioners shall be held at the times and places and under the regulations and laws in effect before the passage of this Act. If a majority of those voting in said election on the question of adopting Plan D form of government, as modified, shall vote in favor of such adoption, then Plan D form of government as heretofore referred to, with the modifications herein contained shall be the form of government of said Town of Graham, and the successful candidate for Mayor, together with the successful candidates for the board of commissioners in such election, shall be and constitute the six-member City Council as provided, with provision that said City Council in organizing for the first time immediately following adoption of Plan D form of government as modified shall designate the successful candidate for Mayor in such election as the council member to serve as Mayor during the term for which he was elected a member of the City Council. All subsequent organizations of the City Council shall be in accordance with the provisions heretofore set forth for the choice of a Mayor from members of the City Council, and in subsequent elections to the City Council there shall be elected at large by and from the qualified voters of the Town of Graham for a term of two years and until their successors are elected and qualified a City Council consisting of six members, and to be organized as provided for in said Plan D form of government as herein modified. If said question as to adoption of said plan of government is rejected by the voters of the Town of Graham, then the municipal government shall continue in full force and effect which was in effect prior to the passage of this Act. In either case, whether Plan D form of municipal government is rejected or adopted, the Mayor and board of commissioners elected at the next regular election for town officials in the Town of Graham shall constitute the governing body of said Town of Graham for the term to which they are elected.

Sec. 4. All Public, Public-Local and Private Acts, and all charter provisions relating to the Town of Graham which are inconsistent with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1955.

H. B. 679 **CHAPTER 404**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BEAUFORT IN CARTERET COUNTY AND TO FIX THE PROCEDURE AND COMPENSATION OF THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That Section 26, Chapter 435 of the Private Laws of 1913 and Chapter 203 of the Public-Local Laws of 1921 and Section 2 of Chapter 5 of the Private Laws of 1931 be, and the same are hereby in all respects repealed.

Sec. 2. That the Board of Commissioners of the Town of Beaufort shall constitute one body, and a majority of the members thereof shall constitute a quorum and shall be competent to perform all the duties prescribed for said board, unless otherwise provided. Said commissioners shall convene on the first Monday in July after their election for the purpose of organizing and transacting business and shall meet on the first Monday in every calendar month thereafter, at such hour as the commissioners may set. Special meetings of said board may be held on the call of a majority of the members or the call of the mayor. Each member of the board of commissioners shall receive the sum of twenty-five dollars ($25.00) per month as compensation.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1955.

H. B. 680 **CHAPTER 405**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BEAUFORT IN CARTERET COUNTY AND TO PRESCRIBE THE DUTIES AND COMPENSATION OF THE MAYOR.

The General Assembly of North Carolina do enact:

Section 1. That Section 24, Chapter 435 of the Private Laws of 1913 be, and the same is hereby repealed.

Sec. 2. That the Mayor of the Town of Beaufort shall have his office in the Town Hall; shall keep the seal of the Town and perform such duties as may be required under the laws of North Carolina and as may, from time to time, be prescribed by the Town Board of Commissioners. The mayor shall receive a salary of six hundred ($600.00) dollars per annum, payable monthly and in addition thereto shall receive the sum of five ($5.00) dollars for attendance upon every called or special meeting, of the Board of Commissioners of the Town of Beaufort.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1955.

S. B. 104 **CHAPTER 406**

AN ACT TO AMEND CHAPTER 1338 OF THE SESSION LAWS OF 1953, AS THE SAME APPEARS IN THE 1953 CUMULATIVE SUPPLEMENT OF VOLUME 3A OF THE GENERAL STATUTES, BEING THEREIN DESIGNATED AS ARTICLE 28-B RELATING TO THE REGULATION OF THE PRODUCTION AND DISTRIBUTION OF MILK AND CREAM.

The General Assembly of North Carolina do enact:

Section 1. Article 28B of Chapter 106 of the General Statutes is hereby amended by adding a new Section to be designated as Section 106-266.21 to read as follows:

"Sec. 106-266.21. Sale below cost to injure or destroy competition prohibited. The sale of milk by any distributor or producer-distributor or retailer below cost for the purpose of injuring, harassing or destroying competition is hereby prohibited. At any hearing or trial on a complaint under this Section, a verified complaint, alleging on personal knowledge or on information and belief of the complainant that the respondent has made a sale or sales in violation of this Section, shall be received in evidence and shall constitute prima facie evidence of the violation or violations alleged, and the burden of rebutting the prima facie case thus made, by showing that the same was justified in that it was not, in fact, made below cost or that it was not for the purpose of injuring, harassing or destroying competition, shall be upon the person charged with a violation of this Section. As used herein the term 'cost' shall be construed to mean the price paid for Grade A or Class I milk in the area where such sale is made plus a reasonable allocation of processing and marketing expenses. In determining whether any sale has been made in violation of this Section, the Commission shall consider all discounts, rebates, gratuities or any other matters which may have the effect of either directly or indirectly reducing the price received by the distributor or producer-distributor or retailer involved."

Sec. 2. Section 106-266.7, subsection (b), is hereby amended by changing the word "Four" appearing therein to "Five".

Sec. 3. Amend the first sentence of G. S. 106-266.7 as the same appears in the 1953 Cumulative Supplement of Volume 3A of the General Statutes, so that the said first sentence shall hereafter read as follows: "There is hereby created a Milk Commission to be designated as the North Carolina Milk Commission, consisting of nine members as follows: One of whom shall be a producer, who is not directly or indirectly engaged in the distribution thereof; one of whom shall be a producer-distributor; two of whom shall be distributors; three of whom shall be representatives of the public interest who are not connected in any manner with the production or distribution of milk; one of whom shall be in the business of retailing packaged milk through a retail grocery establishment, or through a restaurant or through a drugstore retail outlet, or otherwise engaged in the business of retailing packaged milk other than in the processing and distribution of same; and the ninth member shall be the Commissioner of

Agriculture serving ex officio, without voting privileges except in cases of tie votes, but his presence and attendance at meetings shall be counted in determining a quorum of the Commission."

Sec. 4. Amend G. S. 106-266.9, as the same appears in the 1953 Cumulative Supplement of Volume 3A of the General Statutes by adding at the end of said Section the following: "The Commission may require each distributor to file with the Commission one complete schedule of his wholesale and retail prices for each marketing area and may require each distributor to charge his posted prices for all sales and to give ten days notice by registered mail to the Commission and every licensed distributor in each marketing area affected prior to the effective date of any changes in said posted prices. The requirements as to filing price schedules shall not apply to retail stores the principal business of which is selling other than dairy products. The Commission may prohibit a distributor from selling or offering for sale milk in any market or county at prices less than the prices filed for the market or county in which such distributor's processing or bottling plant is located, except in such cases as such sales may be made at a lower price or prices in good faith to meet competition."

Sec. 5. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

S. B. 385 CHAPTER 407

AN ACT AMENDING THE CHARTER OF THE TOWN OF LEAKSVILLE RELATING TO THE QUALIFICATIONS OF CANDIDATES FOR MAYOR AND COMMISSIONERS AND THEIR SPONSORS IN THE 1955 MUNICIPAL ELECTION.

The General Assembly of North Carolina do enact:

Section 1. That Section 14 of Chapter 175, Session Laws of 1945, be and the same is hereby amended by adding at the end thereof the following:

"Provided that at the election to be held on May 3rd 1955, for the election of a mayor and town commissioners, it shall not be necessary for the sponsors of candidates to be qualified electors nor shall it be necessary for the candidates for said offices to be qualified electors if said sponsors and candidates possess all of the qualifications of qualified electors except the fact of actually being registered as electors."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 282 **CHAPTER 408**

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY TO ESTABLISH PARKING DISTRICTS AND PROVIDE FOR THE ENFORCEMENT OF PARKING REGULATIONS.

The General Assembly of North Carolina do enact:

Section 1. That when the Board of County Commissioners of Guilford County shall determine that any area outside of corporate limits of any incorporated city or town in said county on account of traffic conditions is in need of parking regulations, said board may establish said area as a parking district.

Sec. 2. That before any area may be established as a parking district it must be described by metes and bounds and a copy spread upon the minutes of the County Commissioners of Guilford County; a typewritten copy posted in the courthouse in Greensboro, North Carolina, near the East entrance; a typewritten copy posted in the county building in High Point; and a typewritten copy delivered to the Sheriff of Guilford County.

Sec. 3. That if and when a parking district is established by the board of county commissioners under this Act, said board is authorized, empowered and directed to prepare and publish parking ordinances; and the Sheriff of Guilford County shall set up signs or markers along the highways, streets, or other roads designating the boundaries of the parking district, no parking areas, the length of time cars may park in an area and giving other information deemed necessary by him.

Sec. 4. It shall be the duty of the Sheriff of Guilford County to enforce the provisions of this Act; to collect the penalties for the breach of said regulations, and to account for the sums so collected as for fees collected by said sheriff.

Sec. 5. The failure to comply with the parking ordinances made and published by the county commissioners as in this Act provided shall be a misdemeanor and punishable by a fine not exceeding fifty dollars ($50.00) or imprisonment not exceeding thirty days, and criminal actions for the purpose of enforcing the penal provisions of this Act may be brought in the courts of Guilford County having jurisdiction of the offense.

Sec. 6. Nothing in this Act shall authorize any ordinance in conflict with the rules and regulations of the North Carolina State Highway and Public Works Commission.

Sec. 7. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 548 **CHAPTER 409**

AN ACT FIXING THE SALARY OF THE ASSISTANT CLERK OF THE SUPERIOR COURT OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective on July 1, 1955 the salary of the Assistant Clerk of the Superior Court of Haywood County is hereby fixed at the sum of two hundred dollars ($200.00) per month, payable from the general fund of the county.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 615 **CHAPTER 410**

AN ACT TO AMEND CHAPTER 1160 OF THE SESSION LAWS OF 1953 RELATING TO THE FILING OF PAPERS BY THE CLERK OF THE SUPERIOR COURT OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1160 of the Session Laws of 1953 is amended by inserting between the word "Buncombe" and before the word "and" in line two of said Section the word "Cumberland".

Sec. 2. Section 2 of Chapter 1160 of the Session Laws of 1953 is amended by inserting after the comma following the word "Catawba" and before the word "Perquimans" in line two of said Section the word "Cumberland".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 622 **CHAPTER 411**

AN ACT AUTHORIZING THE GOVERNING BODY OF THE CITY OF GREENVILLE, NORTH CAROLINA, TO CREATE A CEMETERY PURCHASE FUND TO BE MAINTAINED FROM THE SALE OF CEMETERY LOTS AT A MAXIMUM AMOUNT OF $25,000.00, AND TO TRANSFER FROM THE CEMETERY CARE FUND TO THE CEMETERY PURCHASE FUND THE SUM OF $25,000.00, AND ANY BALANCE THEN REMAINING IN THE SAID CEMETERY CARE FUND TO THE GENERAL FUND OF THE CITY.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Greenville, North Carolina, is hereby authorized and empowered, in its discretion, to create a fund to be designated as the "Cemetery Purchase Fund", which fund shall be used from time to time as the need may require for the purchase of land by the City of Greenville to be developed and used for cemetery purposes. The said fund, if and when created and set up, shall be maintained at a maximum amount of twenty-five thousand dollars ($25,000.00), and such portion of the proceeds from the sale of cemetery lots as the governing body of the city shall designate from time to time shall be paid into the said Cemetery Purchase Fund annually so as to increase said fund to its maximum amount by such time in the future, as the governing body may designate, that additional land will be required for cemetery purposes. The proceeds from the sale of cemetery lots not paid into the Cemetery Purchase Fund as herein provided shall be paid into the general fund of the city and used as the need may require for the maintenance of the city-owned cemeteries.

Sec. 2. The governing body of the City of Greenville, North Carolina, is hereby authorized and empowered, in its discretion, to transfer to the Cemetery Purchase Fund the sum of twenty-five thousand dollars ($25,000.00) from the Cemetery Care Fund, and after said transfer shall have been made in the amount specified, the governing body is authorized and empowered to transfer to the general fund any balance then remaining in the Cemetery Care Fund to be used for the care and maintenance of the city-owned cemeteries, and thereafter to discontinue the Cemetery Care Fund; provided, however, that all gifts, donations and contributions from any source now in the Cemetery Care Fund, and which may at any time hereafter be made to said fund by any person or corporation for the care of the cemeteries of the city, shall not be transferred to any other fund, but shall be kept and maintained in the said Cemetery Care Fund and used for the purposes for which the funds were contributed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 623

CHAPTER 412

AN ACT AUTHORIZING THE CITY OF GREENVILLE IN THE DISCRETION OF ITS GOVERNING BODY TO SELL AND CONVEY TO THE TRUSTEES OF THE GREENVILLE ADMINISTRATIVE UNIT OF THE PUBLIC SCHOOL SYSTEM CERTAIN LANDS.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Greenville in the exercise of its discretion, is authorized and empowered to sell and convey at

private sale to the Trustees of the Greenville Administrative Unit of the Public School System, and their successors in office, for a consideration to be agreed upon between the governing body of the City of Greenville and the Trustees of the Greenville Administrative Unit of the Public School System, that certain tract or parcel of land or any part thereof, situate on the West side of Elm Street, the North side of Fourteenth Street Extended, and lying between Tenth Street Extended and Fourteenth Street Extended, in the City of Greenville, containing about 26 acres.

Sec. 2. Sections 2 and 59 of Chapter 160 of the General Statutes of North Carolina, to the extent that they conflict with this Act, are hereby repealed, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 635 CHAPTER 413

AN ACT TO AMEND SECTION 2, CHAPTER 717, OF THE SESSION LAWS OF 1953, RELATING TO THE COMPOSITION OF THE BOARD OF TRUSTEES OF THE WHITEVILLE CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 717 of the Session Laws of 1953 is rewritten to read as follows:

"Sec. 2. The Board of Trustees of the Whiteville City Administrative School Unit shall be composed of eight members whose terms of office shall begin on the first Monday in April, 1955, and said board of trustees is hereby vested with all the authority, rights, powers, and duties which are now or may hereafter be granted to city administrative school units under the general laws of North Carolina. The following named persons are hereby appointed trustees of the Whiteville City Administrative School Unit for terms of two years each from and after the first Monday in April, 1955: Alton Edwards, H. H. Collins, C. L. Nance, Dr. W. E. Miller, J. H. Leder, Mrs. H. E. Blanchard, J. L. Collier and A. Dial Gray. All vacancies occurring on said board of trustees by reason of death, resignation or failure to qualify under this Act during said terms shall be filled by the State Board of Education or its successors in office."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 660 **CHAPTER 414**

AN ACT TO AMEND THE CHARTER OF THE CITY OF WASHINGTON.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 447 of the Public-Local Laws of 1939, be and the same hereby is amended by striking out all of the second paragraph of said Section and inserting in lieu thereof the following:

"Beginning at a railroad iron on the North bank of Tar River 10 feet West of the tracks of the Washington-Vandemere Railroad; thence North 32 degrees 45 minutes East 410 feet to a railroad iron; thence North 26 degrees 40 minutes West 1966 feet to a railroad iron in a road known as 'Cedar Row'; thence with said road North 39 degrees East 1294 feet to a railroad iron; thence South 36 degrees 30 minutes East 1635 feet to a railroad iron; thence North 32 degrees 45 minutes East 632 feet to a railroad iron; thence South 52 degrees 30 minutes East to the Williamston Highway, United States No. 17; thence North 33 degrees 45 minutes East 1003 feet a railroad iron; thence South 56 degrees 30 minutes East 774.2 feet to a concrete monument; thence North 34 degrees 50 minutes East 1698.5 feet to a concrete monument in the southern line of Fifteenth Street; thence with the southern line of Fifteenth Street South 56 degrees 13 minutes East 1954 feet to a point located 50 feet on a course of South 56 degrees 13 minutes East from the southeasterly corner of the intersection of Gladden and Fifteenth Streets; thence North 33 degrees 15 minutes East 30 feet to a point in the center line of Fifteenth Street; thence with Fifteenth Street South 55 degrees 50 minutes East 1080 feet to the center of Market Street; thence with Market Street North 33 degrees 15 minutes East 132 feet; thence with the southern boundary of Oakdale Cemetery South 57 degrees 900 feet to a railroad iron; thence South 31 degrees East 502 feet to a railroad iron; thence South 17 degrees 30 minutes East 2344 feet to the center of the Belhaven Highway at the point where it is intersected by Pennsylvania Avenue as shown on recorded map of Washington Heights; thence with Pennsylvania Avenue South 27 degrees 30 minutes East 3155 feet to Runyon's Creek; thence down Runyon's Creek to Pamlico River and with Pamlico River westwardly to Tar River, and with Tar River to the beginning, as surveyed and platted by W. C. Rodman, Jr., and J. L. McLaurin, and the courses given are the magnetic courses for February, 1939."

Sec. 2. From and after July 1, 1955, all territory within the boundaries hereinbefore set out which was not prior to the ratification of this Act a part of the City of Washington shall like the remainder of said territory be subjected to all the provisions of Chapter 170 of the Private Laws of 1903 and Acts amendatory thereof and supplementary thereto, and shall also be subject to all rules, regulations and ordinances passed by the Council of the City of Washington or which may hereafter be passed by said council: Provided, however, no ad valorem tax shall be levied for the year 1955 against any of the real or personal property within that part of the territory above defined which was not prior to ratification of this Act included in the corporate limits of the City of Washington.

WARDS

Sec. 3. That the "City of Washington" shall be divided into four wards as follows, to wit: "All that part of said territory lying East of the center of Market Street and southward of the center of Third Street extended to Runyon's Creek shall constitute the first ward; all that part lying westward of the center of Market Street and southward of the center of Fifth Street extended to the western city limits shall constitute the second ward; all that part lying northward of the center of Fifth Street and westward of the center of Bonner Street shall constitute the third ward; all that part lying eastward of the center of Market Street, southward of the center of Fifth Street, northward of the center of Third Street and westward of the center of Bonner Street and all that part lying eastward of the center of Bonner Street and northward of the center of Third Street extended to Runyon's Creek shall constitute the fourth ward."

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. That this Act shall be in full force and effect from and after the first day of July, 1955.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 666 CHAPTER 415

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HOKE COUNTY TO FIX THE COMPENSATION OF THE JUDGE OF THE HOKE COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Hoke County is authorized, in its discretion, to fix the annual salary of the Judge of the Hoke County Recorder's Court in an amount of not less than fifteen hundred dollars ($1500.00) nor more than twenty-five hundred dollars ($2500.00). The salary so fixed by the board may be changed within the limits herein prescribed at any time.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 667 CHAPTER 416

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MCDOWELL COUNTY TO CONVEY CERTAIN PROPERTY DEEDED YEARS AGO TO THE MCDOWELL COUNTY HIGHWAY COMMISSION, A PUBLIC ORGANIZATION NOW NOT IN EXISTENCE.

WHEREAS, by Chapter 455, Public-Local Laws of 1919, a County Highway Commission was created for McDowell County; and,

WHEREAS, for a number of years this commission carried out the purposes for which it was created, and during this time it acquired, in its

name, certain tracts of land upon which it constructed thereon buildings and storage yards in and upon which it housed and stored machinery and equipment belonging to the commission; and,

WHEREAS, the State Highway Commission, now the State Highway and Public Works Commission, has for years been required by law to assume responsibility for the construction and maintenance of the highways of the State; and,

WHEREAS, from the time the construction and maintenance of the public highways of the State have been taken over by the State Highway Commission, the Highway Commission of McDowell County has long since ceased to function, and has gone out of existence; and,

WHEREAS, the property referred to above is not now used nor is it needed for the purposes for which it was acquired: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of McDowell County is authorized to sell at public auction, after advertising for the period of time and in like manner as to places and publication in newspapers as now prescribed for sales of real property under mortgages, all the real property referred to above which was acquired in the name of the Highway Commission of McDowell County and now no longer used or needed for the purposes for which it was acquired. Such sale or sales shall be reported to the Clerk of the Superior Court of McDowell County and shall remain open for ten days for an increase bid, and if the bid is increased the property shall be readvertised in the manner as resales under mortgages, and if there is no increased bid within ten days, the Board of County Commissioners is authorized to execute a deed to the highest bidder, and the proceeds of the sale shall be paid into the General Fund of the County. Provided, if in the opinion of the board, the amount offered for the property is inadequate at any sale, the board is authorized to reject any and all bids and sell the property at private sale, provided the price offered is in excess of that offered at such public sale.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 668 CHAPTER 417

AN ACT TO AUTHORIZE THE CHIEF OF POLICE OF THE TOWN OF MARION TO ISSUE SEARCH WARRANTS AND CRIMINAL WARRANTS.

The General Assembly of North Carolina do enact:

Section 1. The Chief of Police of the Town of Marion is authorized to issue process for the apprehension of persons charged with any offense committed within the jurisdictional limits of the Town of Marion. This

Section shall confer all the powers to the chief of police as herein provided as are conferred on persons named in G. S. 15-18, provided, that such powers are limited to the jurisdictional limits of the Town of Marion.

Sec. 2. The Chief of Police of the Town of Marion is authorized to issue search warrants to be executed within the corporate limits of the Town of Marion. This Section shall confer all the powers to the Chief of Police of the Town of Marion as herein provided as are conferred on persons named in G. S. 15-25, provided, that such powers are limited to the jurisdictional limits of the Town of Marion.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 672 CHAPTER 418

AN ACT AUTHORIZING THE TRANSFER OF ABANDONED SCHOOL PROPERTY IN ALLEGHANY COUNTY TO TRUSTEES FOR THE USE OF THE PUBLIC AND FOR USE BY THE COUNTY BOARD OF ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G. S. 115-86, the Board of Education of Alleghany County is hereby authorized and empowered to convey to three trustees to be appointed by the Clerk of the Superior Court of said county school properties in Alleghany County found by said board of education to be no longer necessary for school purposes. Said trustees shall hold title to said property and shall maintain the same for the use of the public and especially for the use of the county board of elections. Title to such school properties shall be conveyed to such trustees only in those cases in which the board of education and the board of commissioners of said county shall have found that it is necessary and expedient and in the best interest of the public that such conveyances be made. Such conveyances shall be made upon such consideration as shall be agreed upon by said board of education, the board of county commissioners and the trustees. The Clerk of the Superior Court of Alleghany County shall have authority to remove any of said trustees for cause and shall have the authority to fill any vacancies that may occur for any cause on any of said boards of trustees.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 673 CHAPTER 419

AN ACT AMENDING G. S. 115-368(2) TO ALLOW THE AUDITOR OF ROWAN COUNTY TO USE A SIGNATURE MACHINE IN COUNTERSIGNING WARRANTS ISSUED FOR SCHOOL FUNDS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-368(2), as the same appears in Volume 3A of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"The signatures of the Chairman and the Secretary of the Board of Education of Rowan County and of the Board of Trustees of any city administrative unit within said county and the countersignature of the proper officer of the county government required by subsections 1 and 2 hereof may be affixed to such warrants by a signature machine. If any such machine is used on warrants drawn on the State Treasurer, the same may be used only in accordance with such rules and regulations as may be prescribed by the State Board of Education with the approval of the State Treasurer. The use of such signature machines shall not be employed by any administrative school unit in Rowan County until the governing board thereof has adopted a resolution authorizing the use of same and accepting the full responsibility for any unauthorized or improper use of such machine. In all cases the Secretary of the County Board of Education and the surety on his official bond, or the Secretary of the City Administrative Unit and the surety on his official bond, or the County Auditor and the surety on his official bond, making use of such signature machine shall be liable for any illegal, improper or unauthorized use of such machine."

Sec. 2. This Act shall apply to Rowan County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 674 CHAPTER 420

AN ACT AMENDING G. S. 108-37 TO AUTHORIZE THE AUDITOR OF ROWAN COUNTY TO USE A SIGNATURE MACHINE IN COUNTERSIGNING PUBLIC ASSISTANCE CHECKS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 108-37, as the same appears in Volume 3A of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Provided that the counter signature of the Auditor of Rowan County required by this Section may be affixed to said warrants by a signature machine. The use of such signature machine shall not be employed unless

and until the Board of Commissioners of said county shall adopt a resolution authorizing the use of same and accepting the full responsibility for any unauthorized or improper use of such machine. The County Auditor and the surety on his official bond shall be liable for any illegal, improper or unauthorized use of such machine."

Sec. 2. This Act shall apply to Rowan County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 694 CHAPTER 421

AN ACT FIXING THE FEES OF JURORS IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-5, as the same appears in Volume 1B of the General Statutes, be, and the same is hereby amended by adding at the end thereof a new paragraph to read as follows:

"In Richmond County all jurors in the Superior Court shall receive such an amount per day as the Board of Commissioners of said County may fix, but not less than seven dollars ($7.00) per day nor more than eight dollars ($8.00) per day. In the Special County Court of Richmond County and in the Hamlet District Recorder's Court, jurors shall receive such an amount per day as the Board of Commissioners of said County shall fix, but not less than five dollars ($5.00) per day nor more than seven dollars ($7.00) per day. In addition to the compensation herein fixed, all jurors in Richmond County shall receive a travel allowance of five cents ($ .05) per mile while coming to the place where said court is held and returning home, the distance to be computed by the usual route of public travel: Provided, that this allowance shall be paid on the basis of one round trip per calendar week for each calendar week for which attendance is required."

Sec. 2. All laws and clauses of laws, including Section 1, Chapter 235, Session Laws of 1947, in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1955.

H. B. 659 CHAPTER 422

AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARDS OF EDUCATION OF THE RESPECTIVE COUNTIES OF NORTH CAROLINA AND FIX THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That the hereinafter named persons are hereby appointed

members of the County Boards of Education for the several counties in the State as follows, to wit:

Alamance: Dr. Java C. Wilkins, Dr. Thomas E. Powell, each for a term of six years.

Alexander: Roy Rodgers, Bill L. Mauney, each for a term of six years.

Alleghany: Arthur Gambill, for a term of four years; J. H. Miller, for a term of two years.

Anson: B. T. McRae, J. B. Wall, each for a term of six years.

Ashe: E. C. Francis, G. O. Burgess, Clyde Houck, B. E. Sturgill, Arthur Rose, R. R. Badger, each for a term of two years.

Avery: Milligan S. Wise, for a term of six years.

Beaufort: Ralph H. Hodges, W. B. Voliva, Ernest L. Slack, each for a term of four years.

Bertie: Bill Powell, George W. Capehart, each for a term of six years.

Bladen: Henry L. Kendall, R. C. Bridger, John R. Ferguson, G. Sloan Council, G. B. Squires, each for a term of two years.

Brunswick: M. Henderson Rourk, Roy Sellers, Thomas St. George, each for a term of four years.

Buncombe: Albert Lineberry, for a term of six years.

Burke: Harry L. Wilson, Jr., for a term of six years.

Cabarrus: Boyd Biggers, for a term of six years.

Caldwell: George Boutwell, Davis Tuttle, Maynard Teague, Clarence Sherrill, John Frazier, R. Barton Hayes, each for a term of two years.

Camden: C. G. Harrison, W. Frank Williams, C. H. Lamb, each for a term of two years.

Carteret: Robert W. Safrit, Jr., Theodore B. Smith, each for a term of six years; George R. Wallace, W. B. Allen, each for a term of four years; D. Mason, for a term of two years.

Catawba: Ralph A. Sigmon, for a term of six years.

Chatham: Edward M. Harris, Jr., Goldston, N. C., Zebulon Harrington, Moncure, N. C., George T. Yates, Jr., Lewis Norwood, K. G. Clapp, each for a term of two years.

Chowan: G. B. Potter, Carey Evans, G. E. Nixon, D. H. Berryman, Conroy Perry, J. I. Boyce, each for a term of two years.

Clay: R. L. Long, for a term of six years.

Cleveland: B. Austell, Walter Davis, Charles D. Forney, Jr., W. H. Lutz, Edwin Moore, each for a term of two years.

Columbus County: W. L. Hobbs, Delco, N. C., A. G. Long, Nakina, N. C., Carl Stephens, Clarendon, N. C., Isaac C. Gore, Tabor City, R. F. D., W. D. Brooks, Evergreen, N. C., Frank T. Wooten, Chadbourn, N. C., Dr. Ross M. Williamson, Tabor City, N. C.

Craven: J. Macon Miller, C. L. Powell, J. L. Peterson, Leslie R. Sermons, Forrest Daugherty, Larry B. Pate, C. A. Seifert, each for a term of two years.

Cumberland: D. A. Calhoun, E. L. Maxwell, John Ray Owen, each for a term of four years.

Currituck: Rufus R. Garrett, Wallace E. Davis, James H. Ferebee, Sidney White, L. L. Dozier, Jr., C. N. Wright, each for a term of two years.

Dare: Robert O. Ballance, Elwood B. Parker, Ellis A. Gray, W. Lloyd Scarborough, Harvey E. Best, each for a term of two years.

Davidson: J. W. Griffis, Roy Lohr, each for a term of four years; R. Cliff Fitzgerald, Jr., Paul G. Stoner, Arthur E. Black, each for a term of two years.

Davie: William L. Ward, Jr., S. W. Furches, each for a term of six years; Grady N. Ward, for a term of four years.

Duplin: William Dallas Herring, for a term of six years.

Durham: Garland N. Green, Charles E. Jordon, Mrs. John T. Lanning, C. C. Council, L. A. Downey, each for a term of two years.

Edgecombe: Clarence Weeks, for a term of six years.

Franklin: F. I. Carter, Mrs. Tollie H. Weldon, S. V. Hill, each for a term of two years; Paul W. Elam, Mrs. T. H. Dickens, each for a term of six years.

Gaston: J. M. Craig, D. L. Friday, each for a term of six years; D. Hoke Coon, for a term of two years; Edwin Rudisill, for a term of four years.

Gates: Mrs. Marion Nixon, Lyman V. Cowper, each for a term of six years.

Graham: Harry Owens, Nettie C. Parrette, Wayne Marcus, each for a term of two years.

Granville: E. G. Hobgood, R. L. Noblin, B. T. Strother, each for a term of four years.

Greene: A. C. Oakes, W. H. Graves, R. L. Hart, Jesse L. Tripp, Moses M. Jones, each for a term of two years.

Guilford: Zack L. Whitaker, for a term of six years.

Halifax: Mrs. Sam A. Dunn, L. W. Leggett, George S. Wood, C. L. Kelly, Julian H. Shaw, C. M. Moore, Jr., N. M. Hockaday, each for a term of two years.

Harnett: Sidney G. Thomas, for a term of six years.

Haywood: J. W. Killian, Clifton S. Terrell, each for a term of four years.

Henderson: James T. Fain, Jr., for a term of six years.

Hertford: George Gibbs, William R. Raynor, Starkey Sharp, each for a term of two years.

Hoke: Robert Gatlin, D. R. Huff, Jr., Neill L. McFadyen, Walter L. Gibson, David Lindsay, each for a term of two years.

Hyde: Jabin G. Berry, Charlie A. Carawan, Gene T. Ballance, each for a term of two years.

Iredell: Tate Loftin, W. B. Harris, Maury Gaston, Flake W. Millsaps, Halbert F. Crowson, each for a term of four years.

Jackson: W. R. Enloe, George Lee, Hugh E. Battle, Jr., Tom Dillard, Jr., L. E. Barron, each for a term of two years.

Johnston: James W. Earp, for a term of six years.

Jones: J. C. Wooten, Clyde J. Banks, J. Charlton West, John H. Pollock, W. E. Phillips, Sr., each for a term of two years.

Lee: J. Harvey Wicker, Dr. R. O. Humphrey, each for a term of six years.

Lenoir: Preston Harper, J. Melvin Jones, Earl W. Kinsey, A. Forrest Waller, Elmer S. Wooten, each for a term of two years.

Lincoln: F. L. Beam, C. F. Lantz, C. Rhyne Little, Pat H. Harrill, J. W. Dellinger, each for a term of four years.

Madison: Clyde Brown, Chan Baldwin, William Roberts, Zeno Ponder, W. T. Moore, each for a term of four years.

Martin: Howard B. Gaylord, for a term of two years; Sherwood L. Roberson, Ernest C. Edmondson, each for a term of four years.

McDowell: Ernest W. Ross, for a term of six years.

Mecklenburg: Fred A. Cochrane, W. B. McClintock, each for a term of six years.

Mitchell: Harry Wilson, for a term of six years.

Montgomery: E. R. Wallace, James A. Burt, each for a term of four years.

Moore: T. Roy Phillips, J. A. Culbertson, G. H. Purvis, W. H. Matthews, Jere N. McKeithen, each for a term of two years.

Nash: W. Bernard Faulkner, R. T. Griffin, Jr., John W. Roberson, each for a term of two years.

New Hanover: Dr. W. C. Mebane, S. Bryan Broadfoot, Mrs. J. C. Birmingham, each for a term of four years.

Northampton: Scott Bowers, Dr. John W. Parker, Dr. C. G. Parker, H. P. Stephenson, G. L. Ricks, Ellis Crew, W. C. Conner, each for a term of two years.

Onslow: Hubert Henderson, Jr., Clyde Hurst, Leon Rowe, Sr., Ormond Barbee, Raymond A. Hartsfield, each for a term of two years.

Orange: Charles W. Stanford, for a term of six years.

Pamlico: J. A. Tingle, Jr., B. W. Lupton, Troy Potter, Glenn Woodard, L. L. Wise, each for a term of two years.

Pasquotank: J. Heywood Bright, Carrol Brothers, J. Henry LeRoy, each for a term of four years.

Pender: Howard Holly, M. F. Kelly, J. J. Smith, each for a term of two years.

Perquimans: J. Edgar Morris, Mrs. Mary Brinn, Mrs. Mabel L. Cooke, Clarence C. Chappell, each for a term of four years.

Person: E. E. Bradsher, Jr., W. J. Hall, Clyde T. Satterfield, J. E. Hester, Sr., A. F. Hicks, Sr., each for a term of two years.

Pitt: E. W. Fleming, for a term of two years; T. G. Worthington, E. Earl Trevathan, each for a term of four years; Joseph S. Moye, for a term of six years.

Polk: T. B. Odell, Ervin Pack, B. F. Rodgers, J. R. Stephenson, Oliver Taylor, each for a term of two years.

Randolph: Sam Miller, Wade H. Harris, Bruce Pugh, each for a term of four years.

Richmond: Mrs. Cliff Terry, J. D. Myers, each for a term of six years.

Robeson: I. P. Graham, F. LeVerne Adams, Girvon Sessoms, J. Q. Parnell, Jr., W. Kemp Culbreth, each for a term of two years.

Rockingham: O. P. Joyce, E. S. Powell, J. Benton Stacy, J. O. Thomas, J. L. Roberts, each for a term of two years.

Rowan: R. S. Safrit, for a term of six years.

Rutherford: J. Harvey Carpenter, for a term of six years.

Sampson: Dr. A. N. Johnson, R. Geddie Herring, W. L. Kennedy, W. E. Johnson, J. R. Bullard, each for a term of two years.

Scotland: James L. Morgan, for a term of six years; W. G. Shaw, Jr., for a term of four years; Dr. J. M. Gardner, for a term of two years.

Stanly: J. Paul Lowder, for a term of six years; Claud Teeter, for a term of four years.

Stokes: W. E. Collins, for a term of six years.

Surry: Clinton W. Mosely, J. Ford Cockerham, each for a term of two years; Joe A. Pell, Jr., Cecil E. Ring, Joe Folger, each for a term of four years.

Swain: J. A. Sutton, Carol C. Wright, each for a term of six years; Mrs. Ora Lee Sossamon, Mrs. Francis Colville, each for a term of four years; Bob Carson, Jack Jones, each for a term of two years.

Tyrrell: Harvey W. Davis, W. Charles Cohoon, Otis Cohoon, each for a term of two years.

Union: R. F. Beasley, James L. Davis, Vernon A. Moore, each for a term of four years; Allen W. Collins, Baxter F. Howie, each for a term of two years.

Vance: C. B. Baskett, H. L. Wright, George T. Wilson, D. T. Ayscue, Marvin B. Brown, each for a term of two years.

Wake: S. Tom Proctor, for a term of six years.

Warren: W. Boyd Mayfield, Robert Gupton, Eugene R. Davis, G. E. Harvey, H. M. Hardy, each for a term of two years.

Washington: J. Whitford Swain, for a term of six years.

Wayne: W. Powell Bland, Elton Aycock, each for a term of six years.

Wilkes: R. R. Church, for a term of six years.

Wilson: Dr. Badie T. Clark, S. E. High, each for a term of six years.

Yadkin: G. C. Wallace, A. V. Shore, H. A. Taylor, each for a term of two years.

Yancey: Roy Ray, Arcemus Simmons, Adrian Buchanan, W. H. Peterson, Everette Johnson, Mrs. Mildred F. McIntosh, Ralph Silvers, each for a term of two years.

Sec. 2. That the members of the several County Boards of Education appointed by this Act shall qualify by taking the oath of office on or before the first Monday in April, 1955, and shall, unless otherwise herein provided, hold office until the first Monday in April, 1957, and until their successors are elected and qualified, and together with the members of the Boards of Education of the several counties whose terms will not expire on the first Monday in April, 1957, shall constitute the Boards of Education of the respective counties.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

S. B. 177 CHAPTER 423

AN ACT TO REACTIVATE THE MUNICIPAL GOVERNMENT OF THE TOWN OF WEBSTER IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Ernest Penland, Sr. is hereby appointed Mayor of the Town of Webster, and Joe Rhinehart, D. D. Davis, Goldman Monteith, Lewis Cannon and Claude Cowan are hereby appointed Commissioners of the said Town of Webster. The said officers shall hold their respective offices until their successors shall be elected and qualified as hereinafter provided.

Sec. 2. On the last Saturday in May, 1956, and biennially thereafter there shall be held in said town a municipal election by the qualified voters thereof, at which election there shall be elected a mayor and five councilmen who shall take office on the first Monday in June next succeeding their election and shall hold office for two years or until their successors are elected and qualified.

Sec. 3. The said election shall be held and conducted under Article 3 of Chapter 160 of Volume 3C of the General Statutes of North Carolina, as amended, which said Article governs municipal elections in the State of North Carolina, and the said Town of Webster shall exercise all of the powers and duties authorized and conferred upon municipal corporations by Chapter 160 of Volume 3C of the General Statutes, as amended.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

S. B. 218 CHAPTER 424

AN ACT TO AMEND CERTAIN SECTIONS OF ARTICLE 34 OF CHAPTER 106 OF VOLUME 3A OF THE GENERAL STATUTES, RELATING TO ANIMAL DISEASES, AND TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO PROTECT THE LIVESTOCK INDUSTRY IN THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-317 is hereby rewritten so that the same shall hereafter read as follows:

"§106-317. Regulation of the transportation or importation of hogs and other livestock into the State.—To prevent the spread of hog cholera, vesicular exanthema, vesicular stomatitis, foot and mouth disease, or any other contagious, infectious and communicable swine disease in North Carolina, the North Carolina Board of Agriculture is authorized and empowered

to promulgate rules and regulations governing the transportation and importation of swine into North Carolina from any other state or territory: Provided, that following a proclamation by the Secretary of Agriculture of the United States and the Commissioner of Agriculture of North Carolina that a state of emergency exists, arising from the existence of a dangerous contagious and infectious disease of livestock which threatens the livestock industry of the country, the North Carolina Commissioner of Agriculture is empowered and authorized to immediately promulgate emergency rules and regulations governing the movement of swine and other livestock within the State and prohibiting, restricting and/or controlling the transportation and importation of swine and other livestock into North Carolina for the duration of the emergency. The emergency rules and regulations promulgated by the North Carolina Commissioner of Agriculture shall be subject to approval, disapproval or change at the next regular or special meeting of the North Carolina Board of Agriculture. The North Carolina Board of Agriculture under the authority of this Section may by regulation establish a system of health certificates and permits for the better protection of the swine and livestock of this State."

Sec. 2. G. S. 106-318 of Volume 3A of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"§106-318. Issuance of health certificates for swine and livestock; inspection.—Such health certificates that may be required under the rules and regulations by the Board of Agriculture or the emergency rules and regulations of the Commissioner of Agriculture shall be issued by a State, Federal or duly licensed veterinarian in the state of origin certifying that the swine or other livestock transported and imported are healthy and not infected with or exposed to a contagious, infectious or communicable swine or other livestock disease, and all permits required under such rules and regulations shall be in possession of the owner or agent in charge, at all times until delivery of such swine or other livestock, and upon request, the owner or agent in charge shall produce said required certificate and permit for inspection by any police or peace officer or inspection agent of this State or any county thereof. The burden shall be on the person transporting said swine or other livestock to prove the origin, identity and destination of such swine and other livestock."

Sec. 3. G. S. 106-319 of Volume 3A of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"§106-319. Burial of hogs dying in transit.—It shall be the duty of any owner or agent having in charge any swine or other livestock imported or transported into this State who shall, before delivery lose a hog or other livestock from natural or unatural death to have the same delivered to a rendering plant or buried in the area to a depth of at least two feet within twelve hours after death of said swine or other livestock."

Sec. 4. G. S. 106-321 of Volume 3A of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"§106-321. Penalties for violation.—Any person, firm or corporation who shall violate any provision set forth in this Article or any rule or regulation duly established by the State Board of Agriculture or emergency

rules and regulations established by the Commissioner of Agriculture shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

S. B. 237 CHAPTER 425

AN ACT AMENDING G. S. 7-271 SO AS TO AUTHORIZE THE APPOINTMENT OF A SUBSTITUTE JUDGE OF GENERAL COUNTY COURTS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 7-271 is hereby amended by adding at the end thereof the following:

"If, in the opinion of the Board of County Commissioners of Buncombe County, the best interests of the County will be promoted thereby, said Board may appoint a substitute judge of the General County Court of Buncombe County to serve during the absence or disability of the regularly elected or appointed judge and for the same term of office. Said Board is authorized to fix the compensation of such substitute judge at not more than twenty-five ($25.00) for each day such substitute judge shall hold court."

Sec. 2. This Act shall apply to Buncombe County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

S. B. 276 CHAPTER 426

AN ACT TO PROVIDE FOR SALARY REDUCTIONS OF FIREMEN OF THE CITY OF WILMINGTON FOR THE BENEFIT OF THE FIREMEN'S PENSION FUND.

The General Assembly of North Carolina do enact:

Section 1. That subsection (1) of Section 2 of Chapter 26 of the Private Laws of 1937 be and the same is hereby repealed, and said subsection is rewritten to be and read as follows:

(1) That the City Clerk of the City of Wilmington shall collect from the monthly salary of each officer and member of the Fire Department of the City of Wilmington, North Carolina, a sum equal to four per cent (4%) of the salary of each officer and member of said department, and

the said sums when collected, shall be paid to the Board of Trustees for the Firemen's Pension Fund of Wilmington, North Carolina, to be disbursed and distributed as herein set forth.

Sec. 2. All laws and clauses of laws in conflict with this Act, to the extent of such conflict, are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

S. B. 342 CHAPTER 427

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF ELIZABETH CITY, IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the Town of Elizabeth City, in Pasquotank County, shall be a bird sanctuary.

Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill, trap or otherwise take any birds within the territorial limits in Section 1 of this Act. Any person violating the provisions of the Act shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

S. B. 345 CHAPTER 428

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CLAYTON IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the Town of Clayton be and the same are hereby extended to include the following described areas:

"Beginning at a point in the center of U. S. Highway Number 70 (known as the bypass around Clayton) said point is located by intersecting the center line of U. S. Highway Number 70 and property lines of C. O. Heavner and Swade Hardee and the herein described property runs as the property line of Heavner and Hardee et al., North 44 degrees 20 minutes East 1340.87 feet to Heavners corner; thence South 40 degrees 30 minutes East 209.5 feet to an iron stake; thence South 17 degrees 30 minutes East as Keith Comptons line 460.5 feet to an iron stake Comptons corner; thence

as his line North 79 degrees 30 minutes East 395 feet to an iron stake on the property line of Main Street Comptons corner; thence as Main Street South 12 degrees 00 minutes East 457.7 feet to an iron stake on Main Street Lumius Vinsons corner; thence as his line and others South 72 degrees 09 minutes West 389 feet to an iron stake; thence South 17 degrees 00 minutes East 320 feet to an iron stake in a street; thence as the street South 64 degrees 10 minutes West 250 feet to the center of U. S. Highway Number 70; thence as the center line of U. S. Highway Number 70 approx. North 65 degrees West approx. 1300 feet to the beginning and being all of the Heavner-Holding Subdivision on the North side of U. S. Highway Number 70 and is a part of the property purchased by them from Keith Compton and wife.

"Beginning at an iron stake on the West side of street known as Horne Extension on a map of a subdivision known as Swade Hardee Subdivision which is recorded in the Register of Deeds Office of Johnston County and runs as Barbours and others line South 47 degrees 55 minutes West 873 feet to a stake on the West side of an unnamed street; thence as the West line of this street North 42 degrees 05 minutes West approximately 300 feet to the run of a small branch; thence up the run of the small branch North 45 degrees East approximately 875 feet to a point where Horne Extension would cross the branch; thence as the West line of Horne Extension South 42 degrees 05 minutes East 425 feet to the beginning and being all of the Swade Hardee Subdivision as above mentioned."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

S. B. 355 CHAPTER 429

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ROBESON COUNTY TO REGULATE OR PROHIBIT THE OPERATION OF POOL OR BILLIARD ROOMS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners is authorized to license, prohibit regulate the operation of pool and billiard rooms in Robeson County and, in the interest of public morals, provide for the revocation of any license which may be issued for the operation of such rooms.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 288 **CHAPTER 430**

AN ACT RELATING TO THE FEES OF THE CLERK OF THE SUPERIOR COURT OF JONES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (12) of Section 1 of Chapter 472 of the Public-Local Laws of 1937 is hereby amended by changing the period at the end of the subsection to a semicolon and adding the following language: "provided, that the maximum fee to be charged under the provisions of this subsection shall be twenty-five dollars ($25.00)."

Sec. 2. As herein amended, Section 1 of Chapter 472 of the Public-Local Laws of 1937 is hereby re-enacted.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 259 **CHAPTER 431**

AN ACT FIXING THE SALARIES OF CERTAIN OFFICIALS OF ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Alexander County shall receive a salary of four thousand five hundred sixty dollars ($4,560.00) per annum, payable from the General Fund in twelve equal monthly installments.

Sec. 2. The Clerk of the Superior Court of Alexander County shall receive a salary of four thousand two hundred thirty dollars ($4,230.00) per annum, payable from the General Fund in twelve equal monthly installments. Said salary shall include the compensation of said Clerk for his services as Judge of the Juvenile Court.

Sec. 3. The Register of Deeds of Alexander County shall receive a salary of three thousand nine hundred dollars ($3,900.00) per annum, payable from the General Fund in twelve equal monthly installments.

Sec. 4. The Chairman of the Board of Commissioners of Alexander County shall receive a salary of four hundred eighty dollars ($480.00) per annum, payable from the General Fund in twelve equal monthly installments. The other members of the Board of Commissioners of said County shall receive a salary of four hundred thirty-two dollars ($432.00) per annum, payable from the General Fund in twelve equal monthly installments.

Sec. 5. The Chairman of the Board of Education of Alexander County shall receive a salary of two hundred four dollars ($204.00) per annum, payable in twelve equal monthly installments. The other members of the Board of Education of said County shall receive a salary of one hundred

eighty dollars ($180.00) per annum, payable in twelve equal monthly installments.

Sec. 6. The salaries provided by this Act shall be retroactive to January 1, 1955 for all officials named in this Act.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 269 CHAPTER 432

AN ACT AMENDING CHAPTER 445, SESSION LAWS OF 1949, RELATING TO THE FEES OF JURORS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 445, Session Laws of 1949 be and the same is hereby rewritten to read as follows:

"All jurors summoned for service in the Superior Court of Avery County shall receive five dollars ($5.00) per day, and mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home: Provided, that the allowance for mileage shall be paid on the basis of one round trip per calendar week for each calendar week in which attendance is required, the distance to be computed by the usual route of public travel."

Sec. 2. That Section 2 of Chapter 445, Session Laws of 1949 be and the same is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 354 CHAPTER 433

AN ACT TO REGULATE THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS, THE MEMBERS OF THE BOARD OF EDUCATION AND THE MEMBERS OF THE BOARD OF HEALTH OF MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The members of the Board of County Commissioners of Martin County shall each receive the sum of fifteen dollars ($15.00) per day for each day in which they are required to perform their official duties and a mileage rate of seven cents (7c) a mile for all necessary travel in the performance of their official duties.

Sec. 2. The members of the Board of Education of Martin County

shall each receive the sum of twelve dollars and fifty cents ($12.50) per day for each day in which they are required to perform their official duties and a mileage rate of seven cents (7c) per mile for all necessary travel in the performance of their official duties.

Sec. 3. The members of the Board of Health of Martin County shall each receive the sum of twelve dollars and fifty cents ($12.50) per day for each day in which they are required to perform their official duties and a mileage rate of seven cents (7c) per mile for all necessary travel in the performance of their official duties.

Sec. 4. That there shall be assessed, charged in the bill of costs and collected an arrest fee of two dollars ($2.00) for all arrests made by the sheriff or any of his deputies or any policeman, constable or other peace officer in Martin County.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 371 CHAPTER 434

AN ACT AMENDING G. S. 162-7 RELATING TO THE FEES WHICH THE SHERIFF AND OTHER LAWFUL OFFICERS OF WAYNE COUNTY MAY COLLECT.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 162-7, as the same appears in Volume 3C of the General Statutes, be and the same is hereby amended by striking out all the provisions therein relating to the fees to be collected by the sheriff and other law enforcement officers of Wayne County and the following substituted in lieu thereof:

"The Sheriff or other lawful officer of Wayne County is authorized to charge the following fees:

For arrest	$2.50
Serving capias	2.50
Taking bond	.50
Serving subpoena in criminal or civil case, each	1.00
Serving claim & delivery proceedings	4.00
Serving civil summons on each additional defendant	1.00
Serving writ of ejectment	2.00
Serving writ of attachment, or garnishment for taxes or other purpose	3.00
Serving injunction, or order to show cause, on each person	3.00
Serving other writ or paper whatsoever, not otherwise herein fixed, as to each party upon whom said service is made	2.00"

Sec. 2. The Sheriff or other lawful officer whose duty it becomes to serve an execution shall charge in addition to the above fee all actual costs

in connection with seizing and holding property under execution.

Sec. 3. It shall be the duty of the sheriff to collect said fees and to turn the same over to the General Fund of Wayne County for all warrants and other processes served by him or his salaried deputies.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 393 CHAPTER 435

AN ACT TO AUTHORIZE DIRECTORS AND ASSISTANT DIRECTORS OF DIVISIONS OF THE REVENUE DEPARTMENT AND OTHER PERSONS DESIGNATED BY THE COMMISSIONER OF REVENUE TO SIGN AND VERIFY CERTAIN LEGAL INSTRUMENTS ON BEHALF OF THE COMMISSIONER OF REVENUE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-258 is hereby amended by striking out the second paragraph thereof which reads as follows:

"In any action, proceeding, or matter of any kind, to which the Commissioner of Revenue is a party or in which he may have an interest, all pleadings, legal notices, proofs of claim, warrants for collection, certificates of tax liability, executions, and other legal documents may be signed and verified by the assistant commissioner on behalf of the commissioner."

Said Section is further amended by substituting the following paragraph in lieu of the paragraph deleted as described above:

"In any action, proceeding, or matter of any kind, to which the Commissioner of Revenue is a party or in which he may have an interest, all pleadings, legal notices, proofs of claim, warrants for collection, certificates of tax liability, executions, and other legal documents may be signed and verified on behalf of the commissioner by the assistant commissioner or by any director or assistant director of any division of the Department of Revenue or by any other agent or employee of the department so authorized by the Commissioner of Revenue."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 399 **CHAPTER 436**

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 78 OF THE GENERAL STATUTES RELATING TO THE REGISTRATION AND SALE OF SECURITIES.

The General Assembly of North Carolina do enact:

Section 1. That Section 78-2 of the General Statutes is hereby amended by striking out all of subsection (c) and substituting in lieu thereof the following:

"(c) 'Sale' or 'sell' shall mean every sale or other disposition of a security or interest in a security for value, and every contract to make any such sale or disposition. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value.

" 'Offer to sell' or 'offer for sale' shall mean every attempt or offer to dispose of, or solicitation of an order or offer to buy, a security or interest in a security for value. Every sale or offer for sale of a warrant or right to subscribe to another security of the same issuer or another issuer, and every sale or offer for sale of a security which gives the holder thereof a present or future right or privilege to convert such security into another security of the same issuer or of another issuer, shall be deemed an offer to sell the security to be acquired by such subscription or conversion."

Sec. 2. That Section 78-3 of the General Statutes is hereby amended by striking out the word "or" in the first line of subsection (e) and substituting in lieu thereof the word "on".

Sec. 3. That Section 78-4 of the General Statutes is hereby amended as follows:

In subsection (5), by striking out all of the subsection after the second and last semicolon (;), and substituting in lieu thereof the following:

"or the sale or exchange by an issuer of its securities to or with its own security holders (including holders of transferable rights with respect to such securities) if no commission or other remuneration is paid or given for soliciting or effecting the sale or exchange to security holders other than commission or compensation paid or given for an undertaking to purchase any of such securities not purchased by such security holders."

In subsection (7), by striking out the word "when" and substituting in lieu thereof the following:

"provided that (1) such shares are not offered to more than twenty-five persons in this State and (2)".

The Section is further amended by adding thereto a new subsection (12), as follows:

"(12) The sale by a registered dealer, acting either as principal or agent, of securities theretofore sold and distributed to the public; provided that:

"(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale and, if such dealer is acting as agent, the commission collected by such dealer on account of the sale

thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

"(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by any person or group of persons owning beneficially one-fourth or more of all outstanding securities of the class being distributed; and

"(c) Information as to the issuer of such securities is published in a recognized manual of securities, such information to include at least the names of the officers of such issuer, a balance sheet of such issuer as of a date not more than 18 months prior to the date of such sale, and an income account of such issuer for a period of not less than two years next prior to the date of the balance sheet or for the period prior to the date of the latest balance sheet if the issuer has been in existence for less than two years.

"If the Secretary of State finds that the sale of certain securities in this State would work or tend to work a fraud on purchases thereof, he may revoke the exemption provided by this subsection (12) with respect to such securities by issuing an order to that effect and sending copies of such order to all registered dealers."

Sec. 4. That Section 78-6 of the General Statutes is hereby amended as follows:

In the first sentence by inserting the words "offered for sale or" immediately preceding the words "sold within this State"; by changing the period (.) at the end of the sentence to a comma (,); and by adding at the end of the sentence the following:

"except that it shall be permissible for registered dealers and salesmen to offer securities for sale in this State prior to registration of those securities under this Act if a registration statement for those securities shall have been filed under the Federal Securities Act of 1933 and a copy of the preliminary prospectus filed under the Federal Act shall have been filed with the Secretary of State."

Sec. 5. That Section 78-7 of the General Statutes is hereby amended as follows:

By striking out the words "and approved by the Secretary of State" at the end of the Section, and substituting in lieu thereof the following:

"with the Secretary of State, except that the provisions of this Section shall not apply to any securities for which a registration statement shall have been filed under the Federal Securities Act of 1933 if a copy of the preliminary prospectus filed under the Federal Act shall have been filed with the Secretary of State."

Sec. 6. That Section 78-8 of the General Statutes is hereby amended as follows:

(a) Insert immediately following subsection (3) a new subsection (4) to read as follows:

"(4) In addition to securities entitled to registration by notification under subsections (1), (2), or (3), the Secretary of State may, in his

discretion, accept for registration by notification securities registered under the Federal Securities Act of 1933, except securities issued by a person registered under the Federal Investment Company Act of 1940, if he is of the opinion, after examining a copy of the preliminary prospectus for such securities filed with him and considering other showing, that such securities are not entitled to registration under either of the foregoing subsections (1), (2) and (3) but would not work or tend to work a fraud on the purchasers thereof and that registration by notification should be permitted so as to make dealers in North Carolina eligible for participation in issues qualified in other jurisdictions for wide distribution."

(b) In the sixth paragraph from the end of the Section change the word "class" to "classes"; insert "and (4)" immediately following "subsection (1)"; and at the end of the paragraph following the word "allow" add "(in the case of securities registered under the Federal Securities Act of 1933, the circular filed in the office of the Secretary of State shall be the final prospectus under the Federal Act)".

(c) In the fourth paragraph from the end of the Section, strike out the words "by giving notice in the manner hereinafter provided in Section 78-19,".

(d) In the first sentence of the last paragraph of the Section strike out the words "par value", and substitute in lieu thereof the words "offering price". In the same sentence strike out the words "one hundred and fifty dollars" and substitute in lieu thereof the words "two hundred dollars".

Sec. 7. That Section 78-9 of the General Statutes is hereby amended as follows:

(a) In the first sentence of the last paragraph of the Section strike out the words "par value" and substitute in lieu thereof the words "offering price".

(b) By adding a new sentence immediately preceding the last sentence in this Section to read as follows:

"The Secretary of State may fix maximum and minimum amounts permitted to be registered under this Section, but no application for an additional registration of securities previously registered shall require an additional filing fee."

Sec. 8. That Section 78-17 of the General Statutes is hereby amended by striking out the word "Department" after the words "under the hand of the ", and substituting in lieu thereof the word "Secretary".

Sec. 9. That Section 78-19 of the General Statutes is hereby amended by striking out all of the last paragraph of said Section.

Sec. 10. That Sections 78-23 and 78-24 of the General Statutes are hereby amended by striking out the word "Commissioner" in subsection (g) of Section 23 and in Section 24, and substituting in lieu thereof in each Section the words "Secretary of State".

Sec. 11. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 411 CHAPTER 437

AN ACT TO AMEND G. S. 14-399 RELATING TO PLACING TRASH, REFUSE, ETC. WITHIN 150 YARDS OF CERTAIN HARD-SURFACED HIGHWAYS IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The last paragraph of G. S. 14-399 as it appears in the 1953 Supplement to the General Statutes is amended by striking out in line four of said paragraph the word "Rockingham".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 425 CHAPTER 438

AN ACT TO REGULATE THE VOTING FOR MEMBERS OF THE BOARD OF ALDERMEN IN THE TOWN OF LA GRANGE.

The General Assembly of North Carolina do enact:

Section 1. All qualified electors in any municipal election for mayor and members of the board of aldermen of the Town of La Grange shall vote for as many as six candidates for members of said board of aldermen of the Town of La Grange. If any elector shall vote for less than six members or six candidates for membership in said board of aldermen, then said ballot shall be invalid, illegal and void and shall not be counted in determining the results of said municipal election for members of the board of aldermen of the Town of La Grange.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 427 CHAPTER 439

AN ACT TO PLACE YANCEY COUNTY UNDER THE STATE-WIDE PRIMARY LAWS.

The General Assembly of North Carolina do enact:

Section 1. To the extent hereinafter provided, Article 19 of subchapter II of Chapter 163 of the General Statutes, as amended, relating to pri-

mary elections is hereby made applicable to Yancey County, and from and after the effective date of this Act the Democratic and Republican Parties in Yancey County shall nominate and select candidates for all county offices according to the State-wide primary laws, as well as any and all other election laws necessary to carry the State-wide primary laws into effect in said county.

Sec. 2. Chapter 103 of the Public-Local Laws of 1941, insofar as it conflicts with the provisions of this Act, and all other laws and clauses of laws in conflict with the provisions of this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 433 CHAPTER 440

AN ACT TO AMEND SECTION 3 OF CHAPTER 299 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1901, RELATING TO ELECTIONS IN THE TOWN OF CLARKTON IN THE COUNTY OF BLADEN.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 299 of the Private Laws of North Carolina, Session of 1901, be and the same is hereby amended by striking out Section 3 of said Chapter and inserting in lieu thereof the following:

"Sec. 3—An election shall be held in the Town of Clarkton on Tuesday after the first Monday in May, 1955, and biennially thereafter for a mayor and three commissioners as is more fully set out in Chapter 160, Articles II and III, of the General Statutes of North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 436 CHAPTER 441

AN ACT TO AMEND CHAPTER 710 OF THE SESSION LAWS OF 1943, RELATING TO DISCOUNTS AND PENALTIES ON POLL AND PROPERTY TAXES AND INTEREST ON TAXES AND TAX SALES CERTIFICATES FOR THE COUNTY OF SURRY, THE TOWN OF MOUNT AIRY AND THE TOWN OF ELKIN, SO AS TO MAKE THE PROVISIONS OF SAID ACT APPLICABLE TO THE TOWN OF PILOT MOUNTAIN.

The General Assembly of North Carolina do enact:

Section 1. All of the provisions of Chapter 710 of the Session Laws of 1943, relating to discounts and penalties on poll and property taxes and interest on taxes and tax sales certificates for the County of Surry, the

Town of Mount Airy and the Town of Elkin, are hereby, in all respects, made applicable to the Town of Pilot Mountain, in Surry County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 445 CHAPTER 442

AN ACT PLACING THE COUNTIES OF THE 30TH SENATORIAL DISTRICT UNDER THE STATE-WIDE PRIMARY LAW AS IT RELATES TO THE NOMINATION OF DEMOCRATIC CANDIDATES FOR THE STATE SENATE.

The General Assembly of North Carolina do enact:

Section 1. That Article 19, subchapter II, Chapter 163 of the General Statutes, be and the same is made applicable to the Counties of Avery, Madison, Mitchell and Yancey, constituting the 30th Senatorial District of North Carolina, for the purpose of nominating democratic candidates for the State Senate in said district.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 453 CHAPTER 443

AN ACT TO REGULATE THE ELECTION OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF SWANSBORO IN ONSLOW COUNTY AND TO REQUIRE A NOTICE OF INTENTION TO BECOME A CANDIDATE TO BE FILED WITH THE CLERK OF THE SAID BOARD OF COMMISSIONERS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The office of Mayor and the Board of Commissioners of the Town of Swansboro shall continue as heretofore established with respect to the term of office and the number of commissioners. All municipal elections for the office of Mayor and for members of the Board of Commissioners of the Town of Swansboro shall be regulated and held according to the provisions of Article 3 of Chapter 160 of the General Statutes, Volume 3C, as amended, the same being the Article regulating municipal elections in the State of North Carolina.

Sec. 2. All eligible electors desiring to become a candidate for the office of Mayor or Commissioner of the Town of Swansboro shall give notice to the town clerk of such fact by filing with said clerk a notice of candidacy

at least fifteen (15) days prior to the date of election for the office of Mayor and member of the Board of Commissioners of the Town of Swansboro. At the time of filing said notice of intention of becoming a candidate for the office of Mayor there shall be paid a filing fee for said office of Mayor in the amount of ten dollars ($10.00), which said fee should be paid to the clerk of the Board of Commissioners for the use and benefit of said town, and all eligible electors filing notice of candidacy for the office of Commissioner of the Town of Swansboro shall pay to said town clerk a filing fee of five dollars ($5.00) for the use and benefit of said town. No person or elector shall be entitled to have his name printed on a ballot of said municipal election of the Town of Swansboro unless said notice is filed and said filing fee is paid in accordance with the provisions of this Act.

Sec. 3. All of the provisions of Chapter 160 of Volume 3C of the General Statutes of North Carolina, as amended, relating to municipal corporations, shall be applicable to the said Town of Swansboro.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 458 CHAPTER 444

AN ACT TO FIX THE SALARIES OF OFFICIALS AND EMPLOYEES OF HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Henderson County is ordered and directed to increase by a flat fifteen per cent (15%) the salaries now being paid by Henderson County to all officials, assistants, deputies, and regular employees of said county, such increase to become effective July 1, 1955.

Sec. 2. Except as modified by Section 1 of this Act, the base pay of all officials, assistants, deputies, and regular employees of Henderson County shall be that which is now being paid, and after the expiration of two years from July 1, 1955, such base pay shall continue in full force and effect.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification except that the increase in pay as provided in Section 1 shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 466 CHAPTER 445

AN ACT TO FIX THE TERM OF OFFICE AND THE SALARY OF THE MAYOR OF THE TOWN OF MAIDEN, IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 21 of the Session Laws of 1943 is rewritten to read as follows:

"Section 1. The mayor elected at the municipal election to be held in the Town of Maiden for the year 1955, and biennially thereafter, shall receive such salary as is fixed by the board of aldermen but not in excess of three hundred dollars ($300.00) annually, payable at such times as may be designated by said board."

Sec. 2. Notwithstanding any of the provisions of Chapter 350 of the Public-Local and Private Laws of 1939, the Mayor of the Town of Maiden, in Catawba County, who is elected on the first Monday in May, 1955, and biennially thereafter, shall serve for a term of two years and until his successor is elected and qualified.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 501 CHAPTER 446

AN ACT TO PROVIDE FOR THE USE OF CUMBERLAND COUNTY REGISTRATION BOOKS FOR CITY ELECTIONS IN THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Section 1. In conducting municipal primaries and elections in the City of Fayetteville, the City Council of the City of Fayetteville shall use the registration books of the County Board of Elections for Cumberland County, North Carolina, in the election precincts within the corporate limits of the City of Fayetteville and all persons duly registered in such registration books shall be entitled to vote in municipal primaries and elections in the City of Fayetteville; and all city registration books previously used shall be no longer used for city elections and shall be impounded by the City Clerk.

Sec. 2. The registrars appointed by the said City Council shall, in the manner provided by the general election laws of the State of North Carolina, as the same are or may be amended to provide in the future, register in such registration books all qualified electors in the City of Fayetteville whose names are not registered upon such registration books and who present themselves to such registrars for registration. All electors registered by the said registrars shall be deemed duly registered for city,

county, State and National primaries and elections. In accordance with the general election laws of the State of North Carolina, the said registrars shall make such transfers from one precinct to another precinct within the corporate limits of the City of Fayetteville as may be necessary to enable duly registered electors to vote. The registration books shall show the party affiliation of each person presenting himself for registration.

Sec. 3. The County Board of Elections for Cumberland County shall turn over to the City Council of the City of Fayetteville such county registration books on or before March 27, 1955, and on the first Tuesday after the first Monday in March, 1957, and biennially thereafter on the first Tuesday after the first Monday in March, and for such appropriate time for any special election in the municipality that does not conflict with an election in the county.

Sec. 4. On or before June 1st, 1955, and biennially thereafter on or before June 1st, the City Council of the City of Fayetteville shall return such registration books to the County Board of Elections for Cumberland County.

Sec. 5. Nothing in this Act shall abridge, interfere or conflict with rights under the present laws of the County Board of Elections of Cumberland County to call for a new registration; and the City Council of the City of Fayetteville may, when considered advisable by it, call for a new registration in the election precincts within the corporate limits of the City of Fayetteville.

Sec. 6. The City Council of the City of Fayetteville and the Board of County Commissioners of the County of Cumberland shall share in the expenses incurred in carrying out the provisions of this Act in a manner deemed just and proper by the two governing boards.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 504 CHAPTER 447

AN ACT AMENDING SECTION 3, CHAPTER 264, PRIVATE LAWS OF 1913, THE SAME BEING THE CHARTER OF THE TOWN OF CALYPSO SO AS TO REGULATE VOTING FOR MEMBERS OF THE BOARD OF COMMISSIONERS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the Charter of the Town of Calypso in Duplin County as contained in Chapter 264, Private Laws of 1913, be and the same is hereby amended by adding at the end of Section 3 thereof the following:

"All qualified electors in any municipal election for mayor and members of the Board of Commissioners of the Town of Calypso shall vote for as many as five candidates for membership on said board. If any elector

shall vote for fewer than five candidates for membership on said board of commissioners, then said ballot shall be invalid, illegal and void and shall not be counted in determining the results of said municipal election for members of the board of commissioners of said town."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 510 CHAPTER 448

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WAYNE COUNTY TO PROMULGATE RULES AND REGULATIONS RELATING TO THE ISSUANCE OF PRIVILEGE LICENSES OF FORTUNETELLERS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Wayne County shall have the power and authority by proper resolution to require compliance with such conditions as it deems reasonable and necessary to promote the health, sanitation, and good morals of the community as a condition precedent to the issuance of any privilege license to any person, firm, or corporation to engage in the practice of phrenology, palmistry, clairvoyance, fortunetelling or other craft of a similar kind.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 515 CHAPTER 449

AN ACT TO PROHIBIT ANY INSURANCE COMPANY OR OTHER INSURANCE ENTITY WHICH IS FINANCIALLY OWNED OR FINANCIALLY CONTROLLED BY ANY ALIEN OR FOREIGN GOVERNMENT OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES OR THE TERRITORIES OF THE UNITED STATES FROM DOING ANY KIND OF INSURANCE BUSINESS IN THE STATE OF NORTH CAROLINA, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ACT.

The General Assembly of North Carolina do enact:

Section 1. Any insurance company or other insurance entity which is financially owned or financially controlled by any alien or foreign government outside the continental limits of the United States or the territories

of the United States is hereby prohibited from doing any kind of insurance business in the State of North Carolina. For the purposes of the Act, the term "alien or foreign government" is defined to mean any foreign government or any state, province, municipality, or political subdivision of any foreign government, and shall not be construed to apply to any insurance company organized under the laws of a foreign nation which is financially owned or financially controlled by the private citizens or private business interest of such foreign nation.

Sec. 2. The Commissioner of Insurance is hereby forbidden to grant a license to any insurance company or other insurance entity which is financially owned or financially controlled by any alien or foreign government outside the continental limits of the United States or the territories of the United States, or to authorize any such company or entity to transact any kind of insurance business in the State of North Carolina.

Sec. 3. Any insurance company or other insurance entity which is financially owned or financially controlled by any alien or foreign government outside the continental limits of the United States or the territories of the United States, or any representative or agent of any such company or entity which violates the provisions of this Act, shall be guilty of a misdemeanor and, upon conviction, shall be fined in the discretion of the court.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective immediately upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 516 CHAPTER 450

AN ACT RELATING TO JAIL FEES CHARGED BY THE TOWN OF VANCEBORO.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Vanceboro is authorized and directed to charge every person committed by lawful authority to the jail in the Town of Vanceboro for any criminal offense or misdemeanor, the fee of two dollars ($2.00) per day for his support therein until released.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 529 **CHAPTER 451**

AN ACT AMENDING CHAPTER 160 OF THE GENERAL STATUTES TO AUTHORIZE CITIES AND TOWNS TO USE PHOTOGRAPHIC REPRODUCTIONS IN MAINTAINING RECORDS.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 160 of the General Statutes be amended by adding at the end thereof a new subchapter IX to read as follows:

"SUBCHAPTER IX. PHOTOGRAPHIC REPRODUCTION OF RECORDS.

"G. S. 160-508. Municipalities brought under terms of County Act. All cities and towns shall be subject to, governed by, and have the authority granted to counties in, the provisions of Article 2A of Chapter 153 of the General Statutes (G. S. 153-15.1 to 153-15.6) and Acts amendatory thereof and supplemental thereto, including Acts ratified at the 1955 Session of the General Assembly, except as herein otherwise provided or except as the context shows that it is not intended that such Acts shall be applicable to cities and towns.

"G. S. 160-509. Terms in County Act made applicable to cities and towns. Except as the context may otherwise show, and for the purpose of applying the provisions of the County Act, and Acts amendatory thereof and supplemental thereto, cities and towns, wherever a county official is designated by title it shall mean any official of a city or town, the term, governing body of any city or town, shall take the place of the term, board of county commissioners, and the term, city or town shall take the place of the term, county."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 549 **CHAPTER 452**

AN ACT REWRITING SECTIONS 4 AND 5, CHAPTER 785, SESSION LAWS OF 1953, RELATING TO THE ELECTION OF MEMBERS OF THE ST. PAULS CITY SCHOOL BOARD.

The General Assembly of North Carolina do enact:

Section 1. That Section 4, Chapter 785, Session Laws of 1953, be and the same is hereby rewritten to read as follows:

"Sec. 4. The governing body of the St. Pauls City Administrative School Unit shall be a Board of Education, consisting of six members, which shall be a body corporate by the name and style of 'the St. Pauls City Board of Education'. All of the members of said board of education shall reside within the limits of said administrative school unit and shall be qualified electors within said area."

Sec. 2. That Section 5, Chapter 785, Session Laws of 1953, be and the same is hereby rewritten to read as follows:

"Sec. 5. The present members of the Board of Trustees of the St. Pauls City Administrative School Unit shall continue in office until the members of the board of education, provided for in this Section, shall take office following their election as provided for herein. Members of the board of education of said administrative unit, provided for in this Section, shall be elected by the qualified voters at a special election to be held on the first Tuesday in February, 1957, and annually thereafter. Said election shall be held in one of the school buildings located within said administrative school unit, to be designated by said board of education or board of trustees. Said board shall give notice of said election by posting a notice at each school building located within said unit, and at three other public places within said unit or by publishing such notice one time in a newspaper circulating within said administrative unit not later than January 10th preceding the election. The board of education or board of trustees shall appoint the registrar and judges of such election and shall provide for permanent registration books for such election. The registration books shall open on the third Saturday before such election and shall remain open for two Saturdays for the registration of voters. The last Saturday before the election shall be challenge day. Said election shall be conducted on a nonpartisan basis and any qualified elector residing within the limits of said administrative school unit shall be eligible for election to membership on said board of education, provided he files notice of his intention to become a candidate on or before the 20th day of January, next preceding said election. At the election held in February, 1957, the two candidates receiving the highest number of votes shall be elected to said board for a term of three years; the two receiving the next highest number of votes shall be elected for a term of two years; the two receiving the next highest number of votes shall be elected for a term of one year. Provided, however, that in event the vote of any three or more should be tied, then those members shall cast lots for said office. Thereafter, the term of office of each member of said board shall be three years. At the annual election provided herein beginning with the election of 1958, at which time two members of said board will be elected, and at each subsequent election thereafter, in event two candidates, or either of them, fail to get a majority of the votes cast, the runner-up may call for a second election provided he files written notice with said board within forty-eight (48) hours after the results of the first election have been declared. In event a runner-up calls for a second election, said board is hereby authorized and empowered to hold an election on the following Tuesday according to the same rules and regulations governing the first election. The laws, rules, and regulations governing the board of elections of Robeson County, not in conflict herewith, shall govern elections herein authorized. Vacan cies on said board occurring by reason of death, resignation, or otherwis than by the expiration of the term of office, shall be filled for the unex pired term by appointment of the remaining members of the board. Members elected to said board shall take office one week following the election.

At the first regular meeting after the newly elected members have qualified, the board shall organize by electing from among its members a chairman who shall serve for one year, and a treasurer who need not necessarily be a member of said board, and by adopting such bylaws as said board may deem necessary and proper. Said board shall hold regular monthly meetings, and may meet in special session upon the call of the chairman or of the secretary as often as the school business of said administrative unit may require."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 557 CHAPTER 453

AN ACT AUTHORIZING THE BOARD OF DIRECTORS OF THE BUNCOMBE COUNTY CHILDREN'S HOME TO TRANSFER CERTAIN FUNDS TO THE TREASURER OF BUNCOMBE COUNTY FOR THE USE OF THE BUNCOMBE COUNTY DETENTION HOME.

WHEREAS, the Buncombe County Children's Home was established by virtue of the provisions of Chapter 337, Public Laws of 1891; and

WHEREAS, said Children's Home is no longer being operated; and

WHEREAS, by virtue of the authority contained in Chapter 626, Session Laws of 1953, the Board of Commissioners of Buncombe County has conveyed the Children's Home property, including the building thereon, and has used the proceeds of the sale of said property in the construction of the Buncombe County Detention Home; and

WHEREAS, the Buncombe County Detention Home was constructed and is being operated pursuant to the authority contained in G. S. 110-30; and

WHEREAS, said Buncombe County Detention Home is the legal successor to the Buncombe County Children's Home; and

WHEREAS, the Board of Directors of the Buncombe County Children's Home has in its possession certain funds known as the "James Fund", the "Duke Endowment Fund" and the "Patterson Memorial Fund", which funds represent small balances that have come into the possession of said board for the use and benefit of the inmates of the Buncombe County Children's Home; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Board of Directors of the Buncombe County Children's Home be and it is hereby authorized, empowered and directed to transfer the balances now on hand in the "James Fund", the "Duke Endowment Fund", the "Patterson Memorial Fund" and any other trust funds belonging to the Buncombe County Children's Home to the Treasurer of

Buncombe County for the use and benefit of the Buncombe County Detention Home, as successor to the Buncombe County Children's Home.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 571 CHAPTER 454

AN ACT TO PROHIBIT THE PRACTICE OF PHRENOLOGY, PALMISTRY, FORTUNE TELLING OR CLAIRVOYANCE IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The third paragraph of G. S. 14-401.5, as it appears in the 1953 Supplement to the General Statutes, is amended by inserting after the comma following the word "Bladen" and before the word "Camden", in line two of said paragraph, the word "Burke".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 589 CHAPTER 455

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GRANITE FALLS IN CALDWELL COUNTY TO FIX THE TERM OF OFFICE OF MAYOR.

The General Assembly of North Carolina do enact:

Section 1. That Section three of Chapter 323 of the Private Laws of 1899, as amended by Chapter 96 of the Private Laws of 1917, Chapter 169 of the Private Laws of 1933, and Chapter 127 of the Private Laws of 1935, be and the same is hereby amended by striking out all of the second sentence, beginning with the words, "Said Mayor", and ending with the words, "one year", of said Section three, as amended, and inserting in lieu thereof, the following:

"Said Mayor shall be elected on the first Monday in June, 1955, and biennially thereafter, for a term of two years."

Sec. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 592 **CHAPTER 456**

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO OFFICE OF COMMISSIONER A PUBLIC OFFICE: RECORDS, ETC., SUBJECT TO INSPECTION.

The General Assembly of North Carolina do enact:

Section 1. The first sentence of G. S. 58-11, as it appears in the 1953 Supplement to the General Statutes, is rewritten to read as follows:

"The office of the commissioner shall be a public office and the records, reports, books and papers thereof on file therein shall be accessible to the inspection of the public, except that the records compiled as a part of an investigation for the crime of arson, that of unlawful burning, or of fraud, shall not be considered as public records and may be made available to the public only upon an order of court of competent jurisdiction."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 599 **CHAPTER 457**

AN ACT AMENDING CHAPTER 286, SESSION LAWS OF 1953, RELATING TO THE AUTHORITY OF THE COMMISSIONERS OF POLK COUNTY TO FIX THE SALARY OF THE JAILER OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That lines seven and eight, the same being the last two lines of Section 1, Chapter 286, Session Laws of 1953, be and the same are hereby rewritten to read as follows: "and the salary of the jailer of Polk County at not less than twelve hundred ($1200.00) dollars nor more than twenty-four hundred ($2400.00) dollars per year."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 600 **CHAPTER 458**

AN ACT REWRITING SECTION 4, CHAPTER 672, SESSION LAWS OF 1945, SO AS TO ALLOW THE COMMISSIONERS OF POLK COUNTY TO FIX THE SALARY OF THE TAX COLLECTOR OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 4, Chapter 672, Session Laws of 1945, be and the same is hereby rewritten to read as follows:

"Sec. 4. The Board of Commissioners of Polk County is hereby authorized and empowered to fix the salary of the Tax Collector of Polk County at not less than two thousand dollars ($2,000.00) nor more than three thousand one hundred twenty dollars ($3,120.00) per year. Said board of commissioners is authorized and empowered to furnish said tax collector clerical assistance at a cost of not more than nine hundred dollars ($900.00) per year."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 611 **CHAPTER 459**

AN ACT TO AMEND GENERAL STATUTES 7-204, RELATING TO JURY TRIALS IN THE GARNER MUNICIPAL RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. General Statutes 7-204 is hereby amended by adding at the end thereof the following:

"The foregoing Section shall be inapplicable to all causes cognizable by the Garner Municipal Recorder's Court. On and after the effective date of this Act there shall be no jury trials in said court."

Sec. 2. If a defendant is charged with a crime within the jurisdiction of said Garner Municipal Recorder's Court, and the defendant shall demand a jury trial in person or through counsel, the recorder shall transfer the case to the Superior Court of Wake County, and witnesses for the State shall be recognized to appear at the next ensuing term of Superior Court. The defendant shall give bond for appearance in the Superior Court in the same manner provided in case of appeal to the Superior Court, and in the same manner provided in case of the finding of probable cause in a felony.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification, but shall not apply to those cases pending in the court prior to the date of ratification thereof.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 619 **CHAPTER 460**

AN ACT AMENDING G. S. 9-5 SO AS TO REGULATE THE PAY FOR JURORS IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 9-5, as the same appears in Volume 1B of the General Statutes, be and the same is hereby amended by adding at the end of the first paragraph thereof the following:

"Provided, that in Harnett County all jurors summoned for service in the Superior Court of said county shall receive as compensation for their services seven dollars ($7.00) per day."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect as of July 1, 1955.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 636 **CHAPTER 461**

AN ACT TO APPOINT THE MEMBERS OF THE BOARD OF EDUCATION OF MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. C. C. Sutton, Erwin Patton and O. F. Summer are appointed as members of the Board of Education of Macon County and shall serve in such capacity for a term of two years and until their successors are elected and qualified.

Sec. 2. Chapter 217 of the Public-Local and Private Laws of 1939 is repealed and hereafter the County Board of Education of Macon County shall consist of three members.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 655 **CHAPTER 462**

AN ACT TO AUTHORIZE THE TREASURER OF THE NORTH CAROLINA STATE FIREMEN'S ASSOCIATION TO PAY TO THE TREASURER OF THE TOWN OF WARRENTON THAT PART OR PORTION OF THE FIREMAN'S RELIEF FUND WHICH SAID TOWN SHOULD HAVE RECEIVED FOR THE USE AND BENEFIT OF THE BOARD OF TRUSTEES OF THE FIREMAN'S LOCAL RELIEF FUND OF THE SAID TOWN FOR THE YEAR 1953.

WHEREAS, the Volunteer Fire Department of the Town of Warrenton in Warren County is composed entirely of colored firemen under the

supervision of a fire chief of the white race, and said colored firemen are not eligible to send accredited delegates to the annual meeting of the North Carolina State Firemen's Association; and

WHEREAS, the members of the colored Volunteer Fire Departments have their own State Association which holds annual conventions; and the white Fire Chief of Warrenton, for the year 1953, was unable to attend the meeting of the North Carolina State Firemen's Association, but accredited colored delegates of said Volunteer Fire Department did attend the Firemen's Association for members of colored Volunteer Fire Departments for the year 1953; and

WHEREAS, the Volunteer Fire Department of Warrenton did not receive its allocation for Fireman's Relief Funds for the year 1953 because said white fire chief was unable to attend the North Carolina State Firemen's Association for said year: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of the North Carolina State Firemen's Association is hereby authorized and directed to pay to the Treasurer of the Town of Warrenton, for the use and benefit of the local Board of Trustees of the Fireman's Local Relief Fund of said town, such amount or portion as the said Town of Warrenton should have received for the year 1953 from the State Fireman's Relief Fund administered by the Commissioner of Insurance by virtue of Chapter 118 of Volume 3B of the General Statutes, if the Warrenton Volunteer Fire Department had sent at least one accredited delegate to the 1953 annual meeting of the North Carolina State Firemen's Association.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 671 CHAPTER 463

AN ACT AMENDING CHAPTER 302, SESSION LAWS OF 1951 AND FIXING THE SALARY OF THE SHERIFF OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1, Chapter 302, Session Laws of 1951, be and the same is hereby amended by striking out in line two thereof the words and figures of "two thousand four hundred ($2400.00) dollars", and inserting in lieu thereof the words and figures of "three thousand one hundred ($3100.00) dollars".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 678 **CHAPTER 464**

AN ACT TO APPOINT TRUSTEES OF THE TRYON CITY ADMINISTRATIVE SCHOOL UNIT IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Woodrow L. Hague, Nelson Jackson II, Cary L. Page, Edward Lankford and John Z. Preston are hereby appointed Trustees of the Tryon City Administrative School Unit for a term of two years, beginning April 1, 1955, and continuing until March 31, 1957 or until their successors are appointed and qualified. All vacancies in the membership of said board of trustees by death, resignation, or otherwise, shall be filled by the action of the county executive committee of the political party of the member causing such vacancy, until the meeting of the next regular Session of the General Assembly, and then for the residue of the unexpired term of that body. All vacancies that are not filled by the county executive committee under the authority herein contained within 30 days from the occurrence of such vacancies shall be filled by appointment by the State Board of Education. The persons herein appointed trustees of said school unit must qualify by taking the oath of office on or before the first Monday in April, 1955. A failure to qualify within that time shall constitute a vacancy. Those persons elected or appointed to fill a vacancy must qualify within 30 days after notification thereof. A failure to qualify within that time shall constitute a vacancy. The trustees herein appointed shall be subject to the provisions of the State School Administrative Act governing trustees.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 681 **CHAPTER 465**

AN ACT AMENDING CHAPTER 1010, SESSION LAWS OF 1953, AND FIXING THE SALARIES OF CERTAIN OFFICIALS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1, Chapter 1010, Session Laws of 1953, be and the same is hereby rewritten to read as follows:

"Sec. 1. Effective on July 1, 1955, the following named officials of Mecklenburg County shall receive the following salaries: The Chairman of the Board of County Commissioners, nine thousand dollars ($9,000.00) per annum; the Clerk of the Superior Court, nine thousand dollars ($9,000.00) per annum; the Register of Deeds, eight thousand dollars ($8,000.00) per annum; the Sheriff, eight thousand dollars ($8,000.00) per an-

num; and the Treasurer, six thousand five hundred dollars ($6,500.00) per annum, each payable in twelve equal monthly installments."

Sec. 2. That Section 3, Chapter 1010, Session Laws of 1953, rewriting Section 3, Chapter 972, Session Laws of 1947, be and the same is hereby rewritten to read as follows:

"Sec. 3. The salary of the County Supervisor of Taxation of Mecklenburg County shall be fixed by the Board of Commissioners of said County and shall be payable in twelve equal monthly installments."

Sec. 3. That Section 4, Chapter 1010, Session Laws of 1953, rewriting Section 4, Chapter 972, Session Laws of 1947, be and the same is hereby rewritten to read as follows:

"Sec. 4. The salary of the Collector of Revenue for Mecklenburg County shall be fixed by the Board of County Commissioners of said County and shall be payable in twelve equal monthly installments."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 688 CHAPTER 466

AN ACT TO AUTHORIZE THE COLLECTOR OF REVENUE OF THE CITY OF HENDERSON TO PAY CERTAIN DELINQUENT TAXES INTO THE GENERAL FUND OF THE CITY.

The General Assembly of North Carolina do enact:

Section 1. The Collector of Revenue of the City of Henderson, in Vance County, is authorized to pay into the general fund of the City of Henderson all or any part of the proceeds of taxes which are due and uncollected on July 1 following the year in which such taxes become due.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

H. B. 689 **CHAPTER 467**

AN ACT TO AMEND G. S. 47-51 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO OFFICIAL DEEDS OMITTING SEAL.

The General Assembly of North Carolina do enact:

Section 1. Chapter 47, Section 51 of the General Statutes of North Carolina, is hereby amended by striking out the words and numbers "July 1, 1939," as the same appear in the first and second lines of said Section, and substituting in lieu thereof the words and numbers "March 12, 1955,".

Sec. 2. Chapter 47, Section 51 of the General Statutes, is hereby further amended by adding between the word "receiver" and the word "or", in the second line thereof, the words "executor, executrix, administrator, administratrix."

Sec. 3. This Act shall not apply to pending litigation.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

S. B. 280 **CHAPTER 468**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO ESTABLISH THE CORPORATE BOUNDARIES THEREOF, TO REDEFINE THE WARDS THEREOF, TO PROVIDE FOR THE BIENNIAL ELECTION OF A MAYOR AND TOWN COMMISSIONERS, TO SET THE TIME FOR SUCH ELECTION AND TO FIX THE TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 811 of the Session Laws of North Carolina of 1951 is hereby rewritten to read as follows:

Beginning at the mouth of Hendricks Creek, on Tar River, thence up said creek to the southern line of the right of way of the East Carolina Railway; thence with the southern line of said right of way South 85 degrees 34 minutes West 100 feet, South 76 degrees 25 minutes West 208.9 feet, South 66 degrees 10 minutes West 1,522 feet, South 68 degrees 18 minutes West 253 feet, South 72 degrees 38 minutes West 188.5 feet to the Old Sparta Road; thence with the East side of said road or street North 18 degrees 06 minutes West 854.1 feet to the North side of Sorey Avenue (Pitt Street extended), thence with the North side of this street South 66 degrees 55 minutes West 1,487.9 feet to a hedgerow; thence with said hedgerow North 24 degrees 43 minutes East 500 feet to the South side of St. James Street; thence crossing said street North 24 degrees 43 minutes East 261.2 feet to a stake on the East side of Old County Road; thence with said road North 14 degrees 23 minutes East 100 feet, North 1 degree 35

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minutes West 188.6 feet, North 13 degrees 33 minutes West 482.2 feet to the South side of Wilson Street extended; thence with the South side of said street North 63 degrees 08 minutes East 377.4 feet; thence North 65 degrees 06 minutes East 437 feet to a point on the South side of Wilson Street; thence crossing Wilson Street with and along the property line of Hilma Park North 20 degrees 15 minutes West 342 feet to a stake; thence North 63 degrees 30 minutes East 143 feet to a stake; thence North 14 degrees 45 minutes East 81 feet to a stake; thence North 63 degrees 45 minutes East 130 feet to a stake; thence North 1 degree 00 minutes West 815 feet to a stake on Hendricks Creek; thence up said creek to a ditch, the southern line of the property of Runnymede Mills, Incorporated; thence up said ditch to a stake; thence North 42 degrees 30 minutes West 634.8 feet along the line of Runnymede Mills, Incorporated, to the line of the Speight land; thence North 12 degrees 29 minutes East 348 feet to a stake on the South side of Sunset Avenue; thence with the Speight line North 78 degrees 00 minutes West 948 feet to a stake in the Anderson Line; thence with the Speight-Anderson line North 34 degrees 00 minutes East 528.2 feet to an iron stake; thence still with the Speight-Anderson line North 3 degrees 30 minutes East 262.5 feet to a stake set in concrete on the southern side of a county road leading to Tarboro; thence crossing said road North 3 degrees 30 minutes East 30 feet to the right of way line of the Atlantic Coast Line Railroad; thence along said right of way line South 79 degrees 21 minutes East 192 feet to a point just southwest of the guano factory of the F. S. Royster Guano Company; thence crossing the Atlantic Coast Line Railroad North 11 degrees 20 minutes East 999.4 feet to the northern line of said guano company; thence along this line and the line of the Southern Cotton Oil Company South 51 degrees 50 minutes East 268 feet, South 53 degrees 35 minutes East 346.7 feet to the C. J. Austin land; thence with the Austin line and the line of the Southern Cotton Oil Company South 42 degrees 11 minutes East 173.7 feet, South 50 degrees 57 minutes East 497.2 feet, South 47 degrees 45 minutes East 528.2 feet to the right of way line of the Atlantic Coast Line Railroad; thence along and with the northern line of said right of way to the line of the late Mrs. W. H. MacNair; thence along this line and the line of the Pinehurst Land Company, now C. H. Henderson's property, North 40 degrees 41 minutes West 290.7 feet; thence North 7 degrees 41 minutes East 1,156.1 feet to a stake; thence along and with the line of C. H. Henderson North 66 degrees 15 minutes East 1,391.3 feet to the Tarboro-Leggetts Highway; thence down the West side of said highway South 20 degrees 55 minutes East 1,111.9 feet to a point on West side of highway and the South side of Daniel Street; thence crossing said highway and with the line of C. H. Henderson North 70 degrees 15 minutes East 787.1 feet to a stake; thence still with the said Henderson line South 23 degrees 55 minutes East 1,010 feet to the northern line of the right of way of the Atlantic Coast Line Railroad; thence with the said right of way North 51 degrees 42 minutes East 144 feet to a stake; thence crossing said railroad South 37 degrees 58 minutes East 100 feet to a point in the southern right of way line of the Atlantic Coast Line railroad;

thence along and with the southern right of way line North 49 degrees 00 minutes East 1750 feet cornering; thence South 40 degrees 00 minutes East 1195 feet cornering; thence South 22 degrees 00 minutes West 610 feet cornering; thence South 30 degrees 00 minutes West 350 feet to a stake; thence with said hedgerow South 3 degrees 45 minutes East 497.5 feet to a stake; thence North 67 degrees 27 minutes East 218.6 feet, South 23 degrees 05 minutes East 328.4 feet; thence crossing field North 63 degrees 52 minutes East 993.6 feet to a stake in the field; thence South 24 degrees 05 minutes East 192 feet to an iron stake in concrete on the North side of Edmondson Avenue; thence with the North side of Edmondson Avenue extended North 67 degrees 30 minutes East 800 feet to an iron stake; thence crossing said avenue and with the new line of W. G. Clark's Lloyd Farm South 25 degrees 00 minutes East 630 feet to a stake on the North side of a canal; thence along the North side of the canal South 27 degrees 00 minutes West 57.7 feet to an iron stake; thence South 10 degrees 00 minutes East 51 feet to an iron stake on the South side of Wilson Avenue extended; thence with the South side of said avenue South 67 degrees 30 minutes West 746 feet to the West side of Laurence Street; thence South 24 degrees 05 minutes East 495.9 feet to a stake in a hedgerow, dividing line between school property and Panola Farm; thence along said hedgerow South 68 degrees 13 minutes West 801.5 feet to Oakland Street; thence with East side of said street South 23 degrees 19 minutes East 518.4 feet to St. James Street; thence along the South side of said street South 66 degrees 47 minutes West 785.9 feet to a hedgerow and ditch; thence down said hedgerow and ditch South 32 degrees 55 minutes West 715.1 feet, South 34 degrees 32 minutes West 536.4 feet to a stake on the West bank of the canal running through the Panola Farm; thence South 17 degrees 50 minutes East 1,079.6 feet to a sycamore on Tar River; thence down the various courses and distances of said river to the point of beginning.

Sec. 2. That Section 2 of Chapter 212 of the Session Laws of North Carolina of 1947 is repealed.

Sec. 3. That Section 3 of Chapter 314 of the Private Laws of 1909 is repealed and in lieu thereof the following Section is adopted:

"Sec. 3. That said town shall be divided into eight wards, bounded as follows:

"The First Ward: Beginning at the mouth of Hendricks Creek, in Tar River; thence up said creek to southern line of right of way of East Carolina Railway; thence westerly with the southern line of said right of way to the western town limits; thence with said town limits to Hendricks Creek; thence down Hendricks Creek to the beginning.

"The Second Ward: Beginning at Tar River, the center of Main Street, thence northerly with the center of Main Street to the northern line of Phillips Street; thence westerly with the northern line of Phillips Street to the western line of Albemarle Avenue; thence with the western line of Albemarle Avenue to a hedgerow, the northern boundary of Arlington; thence southwesterly with said hedgerow extended to Hendricks Creek;

thence southerly with Hendricks Creek to Tar River; thence up Tar River to the beginning.

"The Third Ward: Beginning at Tar River, the center of Main Street, thence northerly with the center of Main Street to the southern line of Wilson Street; thence easterly with the southern line of Wilson Street to the eastern town limits; thence with said town limits southerly and easterly to Tar River; thence down Tar River to the beginning.

"The Fourth Ward: Beginning at the center of Main Street at the southern line of Wilson Street, thence with the center of Main Street northerly to the northern line of Phillips Street; thence with the northern line of Phillips Street easterly to the eastern town limits; thence southerly and easterly with said town limits to the southern line of Wilson Street; thence westerly with the southern line of Wilson Street to the beginning.

"The Fifth Ward: Beginning at the center of Main Street at the northern line of Phillips Street, thence westerly with the northern line of Phillips Street to the western line of Albemarle Avenue; thence northerly and northwesterly with the western line of Albemarle Avenue to the northern right of way of the main line of the Atlantic Coast Line Railroad; thence northwesterly with the northern line of said right of way to the northwestern town limits; thence northwesterly, northerly and easterly with said town limits to the center of Main Street; thence with the center of Main Street southerly to the beginning.

"The Sixth Ward: Beginning at the center of Main Street at the northern line of Phillips Street; thence northerly with the center line of Main Street to the northern town limits; thence with the town limits easterly and southerly to the northern line of Phillips Street, extended; thence westerly with the northern line of Phillips Street to the beginning.

"The Seventh Ward: Beginning at the western line of Albemarle Avenue at a hedgerow, the northern boundary of Arlington, thence southwesterly with said hedgerow extended to Hendricks Creek; thence up said Hendricks Creek to the center of Howard Avenue; thence with the center of Howard Avenue easterly to the center of Peach Street; thence northerly with the center of Peach Street to the center of Linden Street; thence easterly with the center of Linden Street to the center of Cedar Street; thence northerly with the center of Cedar Street to the southern right of way line of the Atlantic Coast Line Railroad; thence southeasterly with said right of way line to the western line of Albemarle Avenue, extended; thence with the western line of Albemarle Avenue to the beginning.

"The Eighth Ward: Beginning at the center of Cedar Street at the right of way line of the Atlantic Coast Line Railroad where said Cedar Street extended crosses said right of way at the northern town limits, thence southerly with the center of Cedar Street to the center of Linden Street; thence westerly with the center of Linden Street to the center of Peach Street; thence southerly with the center of Peach Street to the center of Howard Avenue; thence westerly with the center of Howard Avenue to Hendricks Creek, the western town limits; thence with the town limits northwesterly, northerly and southeasterly to the beginning."

In the event of future extensions or enlargements of the town limits,

the areas so incorporated in the town limits shall become a part of those wards to which they are adjacent, and if such areas are adjacent to more than one ward then the ward lines shall be extended by prolongation to the new town limits and the areas shall become a part of the ward whose extended boundaries shall encompass it.

Sec. 4. Notwithstanding the requirements of any other law, including The Municipal Finance Act, 1921, notice of a new registration of voters of the Town of Tarboro for the regular municipal election to be held on May 3, 1955, given within seven days of the ratification of this Act shall constitute sufficient notice thereof.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1955.

S. B. 25 CHAPTER 469

AN ACT TO AMEND ARTICLE 15 OF CHAPTER 116 OF THE GENERAL STATUTES, RELATING TO EDUCATIONAL ADVANTAGES FOR CHILDREN OF WORLD WAR VETERANS, SO AS TO INCLUDE CERTAIN LEGALLY ADOPTED CHILDREN OF SUCH VETERANS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 116-149 is amended by adding a new subsection immediately following subsection (b) (2), to be designated as subsection (b) (3), and to read as follows:

"(3) A child meeting either of the requirements set forth in subsections (1) and (2) above, and who was legally adopted by the veteran prior to or during such military service in which such veteran served and/or became disabled or died."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1955.

S. B. 260 **CHAPTER 470**

AN ACT TO AMEND G. S. 28-188 BY STRIKING OUT THE WORDS "OR GUARDIAN" APPEARING IN THE FIRST LINE THEREOF.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-188 is hereby amended by striking out the words "or guardian" as the same appears in line 1 of said Section.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1955.

H. B. 468 **CHAPTER 471**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF VANCE COUNTY TO RELEASE THE LIEN OF CERTAIN SPECIAL ROAD DISTRICT ASSESSMENTS.

WHEREAS, more than 30 years ago, under C. S. 3683-3686, certain special road district assessments were levied against certain properties in Vance County; and

WHEREAS, for more than 15 years all books and records concerning such assessments have been lost or destroyed, and it is impossible at this time to accurately determine the exact properties upon which these assessments may constitute a lien: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Vance County is authorized, in its discretion, to release any lien which it may now have upon any lands in Vance County by virtue of assessments in special road districts created and levied under authority of C. S. 3683-3686.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1955.

H. B. 522 **CHAPTER 472**

AN ACT TO AUTHORIZE DIRECTORS AND ASSISTANT DIRECTORS OF DIVISIONS OF THE MOTOR VEHICLE DEPARTMENT AND OTHER PERSONS DESIGNATED BY THE COMMISSIONER OF MOTOR VEHICLES TO SIGN AND VERIFY CERTAIN LEGAL INSTRUMENTS ON BEHALF OF THE COMMISSIONER OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-2 is hereby amended by striking out the second paragraph thereof which reads as follows:

"In any action, proceeding, or matter of any kind, to which the Commissioner of Motor Vehicles is a party or in which he may have an interest, all pleadings, legal notices, proofs of claim, warrants for collection, certificates of tax liability, executions, and other legal documents may be signed and verified by the assistant commissioner on behalf of the Commissioner."

Said Section is further amended by substituting the following paragraph in lieu of the paragraph deleted as described above:

"In any action, proceeding, or matter of any kind, to which the Commissioner of Motor Vehicles is a party or in which he may have an interest, all pleadings, legal notices, proofs of claim, warrants for collection, certificates of tax liability, executions, and other legal documents may be signed and verified on behalf of the Commissioner by the assistant commissioner or by any director or assistant director of any division of the Department of Motor Vehicles or by any other agent or employee of the Department so authorized by the Commissioner of Motor Vehicles."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1955.

H. B. 590 **CHAPTER 473**

AN ACT TO AMEND G. S. 153-9 SO AS TO PERMIT TAX LEVIES FOR CERTAIN SPECIAL PURPOSES IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The last paragraph of subsection 43 of G. S. 153-9 is amended by inserting after the comma after the word "Cumberland" and before the word "Forsyth", in line 2 of said paragraph, the word "Currituck".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1955.

H. B. 665 **CHAPTER 474**

AN ACT REGULATING THE FEES AND COSTS TO BE COLLECTED BY THE CLERK OF THE RECORDER'S COURT OF DUNN FOR ALL CIVIL ACTIONS IN SAID COURT, AND TO PROVIDE FOR RULES OF PROCEDURE IN ALL CIVIL ACTIONS IN SAID COURT.

The General Assembly of North Carolina do enact:

Section 1. That the costs collected in all civil actions in the Recorder's Court of Dunn, established under the provisions of Chapter 598, Public-Local Laws of 1911, shall be in accordance with the schedule of costs now in effect or which may hereafter be adopted for civil actions in the Superior Court for Harnett County, but this Section shall not in any manner affect the fees now collected for jury trials in civil actions in said Recorder's Court.

Sec. 2. That the rules of civil procedure in the Recorder's Court of Dunn in the trial of all civil actions in said court shall be the same as are now in effect or which may hereafter be adopted as the procedure in the trial of civil actions in the Superior Court for Harnett County, but this Act is not to change the procedure which is now in effect for the trial by jury in civil actions in said court.

Sec. 3. This Act shall not affect any cases pending in said court prior to the ratification thereof.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 5th day of April, 1955.

H. B. 669 **CHAPTER 475**

AN ACT REWRITING SECTION 6, CHAPTER 2, PRIVATE LAWS OF 1895, RELATING TO THE APPOINTMENT AND TERMS OF OFFICE OF MEMBERS OF THE BOARD OF EDUCATION OF THE MOUNT AIRY CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. That Section 6, Chapter 2, Private Laws of 1895, be and the same is hereby rewritten to read as follows:

"The Board of Education of the Mount Airy City Administrative School Unit shall consist of seven members to be appointed by the Board of Commissioners of the Town of Mount Airy and the members of said Board of Education shall be citizens and residents within the Mount Airy City Administrative School Unit. The present members of the Mount Airy City School Board shall continue to hold office as members of the Board of Education of the Mount Airy City Administrative Unit until their respective terms expire, at which time and times their respective successors shall be appointed for terms of three years. At the first regular meeting of the

Board of Commissioners of the Town of Mount Airy held in April 1955 said Board of Commissioners shall appoint successors to the present City School Board and such appointees shall hold office as members of the Board of Education of said Administrative School Unit for terms of three years. At said first regular meeting of said Board of Commissioners held in April 1955 said Board shall appoint, in addition to the members of the present School Board whose terms of office expire on April 1st 1955, two additional members of said Board of Education to serve for terms of two years. The successors to all members of said Board of Education as constituted, after such appointments in April 1955, shall be for terms of three years. Whenever a vacancy shall occur in the membership of said Board of Education otherwise than by expiration of the term of office, such vacancy shall be filled for the remainder of the unexpired term by appointment of the remaining members of said Board of Education."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1955.

H. B. 677 CHAPTER 476

AN ACT TO AUTHORIZE THE KNOLLWOOD SANITARY DISTRICT OF MOORE COUNTY TO CONVEY CERTAIN PROPERTY AND WIND UP ITS AFFAIRS AND THEREAFTER TO REPEAL THE STATUTE UNDER WHICH SAID SANITARY DISTRICT WAS ORGANIZED.

The General Assembly of North Carolina do enact:

Section 1. The Commission, or governing authority, of Knollwood Sanitary District of Moore County, organized under Chapter 453 of the Public Laws of 1933, is hereby authorized and empowered to convey the property hereinafter described to the grantees hereinafter designated, and said governing authority, or Commission, is hereby further authorized to execute and deliver sufficient deeds of conveyance or any other instruments, deeds or title papers that may be necessary to effectuate and carry out the purposes of this Act.

The first lot is conveyed by the governing authority of said Sanitary District to the Town of Southern Pines or any other suitable grantee for the consideration of one dollar ($1.00) and other valuable considerations and is described as follows:

"Lot No. 433 as shown on a map entitled 'Knollwood Heights, a division of Knollwood, Incorporated, Moore County, N. C., by W. I. Johnson, Jr., C. E.' said map being recorded in the office of the Register of Deeds for Moore County. This property was deeded to the Knollwood Sanitary District by Knollwood Development Company by deed dated July 8, 1949, and recorded in Deed Book 164, at page 91."

The second lot is to be conveyed to David A. Drexel and wife, Joan G. Drexel, or to any other suitable grantee, for the consideration of three hundred seventy dollars ($370.00), and is described as follows:

"Beginning at a concrete monument in the western line of the right of way of the Southern Pines-Carthage Road 30 feet from its center line, at a point located South 2-30 East 603.1 feet from Drexel's northerly line, same being Aiken's line of his subdivision known as "Kenwood", and running thence with said line South 2.30 East 418 feet to a concrete monument; thence South 87-30 West 209 feet to an iron pipe; thence North 2-30 West 418 feet to an iron pipe; thence North 87-30 East 209 feet to the beginning, containing 2 acres, more or less."

Sec. 2. The Commission, or governing authority, of the Knollwood Sanitary District of Moore County is hereby authorized to do any and all things necessary to wind up the affairs of the said sanitary district for the reason that said sanitary district is no longer needed as to its services because the principal territory or portion of the district has now been included within the town limits of Southern Pines. In winding up the affairs of the said sanitary district the Commission, or governing authority, is authorized and empowered to pay over such funds as may be left over, after the dissolution and the winding up of the affairs of the district and the payment of all debts and obligations, to the Moore County Tax Collector for the use and benefit of the Southern Pines School District.

Sec. 3. That Chapter 453 of the Public Laws of 1933, under which said Knollwood Sanitary District of Moore County was organized and established, is hereby repealed, but the repeal of this Chapter shall not be effective until July 1, 1955.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1955.

H. B. 725 CHAPTER 477

AN ACT TO AMEND CHAPTER 198 OF THE PRIVATE LAWS OF 1929, RELATING TO VACANCIES IN THE OFFICE OF MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF THE CITY OF SHELBY.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of Section 2 of Chapter 198 of the Private Laws of 1929 is amended by striking out, in lines three and four of said paragraph, the words "to serve out the unexpired term", and inserting in lieu thereof the words "who shall serve until the next municipal election and until their successors are elected and qualified".

The second paragraph of Section 2 of Chapter 198 of the Private Laws of 1929 is further amended by striking out, in lines six and seven of said paragraph, the words "to fill out the unexpired term", and inserting in

lieu thereof the words "who shall serve until the next municipal election and until his successor is elected and qualified".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1955.

H. B. 762 CHAPTER 478

AN ACT FURTHER AMENDING CHAPTER 209 OF THE PRIVATE LAWS OF 1907 PROVIDING THAT AREAS ANNEXED TO THE CITY SHALL BECOME A PART OF THE ADJOINING WARDS.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 209 of the Private Laws of 1907 entitled, "An Act to Revise and Consolidate the Charter of the Town of Rocky Mount to be Hereafter Known as the City of Rocky Mount", as amended, be and the same is hereby further amended by adding the following new paragraph to Section 3 thereof:

"Wherever areas have been or are hereafter annexed and made a part of the city in accordance with the provisions of Article 36 of Chapter 160 of the General Statutes of North Carolina, the areas so annexed shall be and become a part of the ward that they adjoin and in those cases in which the area so annexed is contiguous to two or more wards the board of aldermen shall, by ordinance, allocate the newly annexed area to one or more of the adjoining wards and define the ward boundaries of the areas so annexed."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1955.

H. B. 837 CHAPTER 479

AN ACT TO AMEND HOUSE BILL 263 AS ENACTED AND RATIFIED BY THE GENERAL ASSEMBLY ON THE 30TH DAY OF MARCH, 1955, TO PROVIDE FOR THE CORRECTION OF A TYPOGRAPHICAL ERROR OCCURRING IN SECTION 1 OF SAID BILL.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of House Bill 263 enacted and ratified by the General Assembly on the 30th day of March, 1955, be and the same is hereby amended by striking out the letter "(h)" of said Section and inserting in lieu thereof the letter "(H)".

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1955.

S. B. 208 CHAPTER 480

AN ACT TO PROVIDE THAT CERTIFIED COPIES OF RECORDS OF THE DEPARTMENT OF MOTOR VEHICLES SHALL BE ADMISSIBLE IN COURT.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of Section 20-42 of the General Statutes is hereby amended by striking out the period at the end thereof, substituting a comma and by adding the following: "without further certification."

Sec. 1½. Subsection (b) of Section 20-42 of the General Statutes is hereby further amended by striking out of line 4 thereof the word "authenticated" and inserting in lieu thereof the word "certified".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

S. B. 261 CHAPTER 481

AN ACT TO AMEND G. S. 28-186 RELATING TO THE APPOINTMENT OF A PROCESS AGENT BY NONRESIDENT EXECUTOR OR GUARDIAN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-186 is hereby amended to read as follows:

"Sec. 28-186. Nonresident executor to appoint process agent.—A nonresident qualifying in the State as an executor shall at or before the time of his qualification appoint in writing a resident agent in the county of his qualification, on whom may be served citations, notices, and all processes required by law to be served on such executor. The executor shall file the appointment with the clerk in the county of his qualification. All citations, notices, and other processes served on such process agent shall be as effective as if served on the executor, but the return date shall not be sooner than ten days from the date of the issuance of the citation, notice, or process. No letters testamentary shall be granted to an executor until the appointment of the process agent has been filed with the clerk, and the clerk shall have properly recorded and indexed said appointment."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its rati fication.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

S. B. 298 **CHAPTER 482**

AN ACT FIXING THE CORPORATE LIMITS OF THE TOWN OF AYDEN IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 46 of the Session Laws of 1953 be amended by striking out the boundary lines as set forth therein and substituting the following boundary lines therefor, which following boundaries shall hereafter constitute the corporate limits and boundaries of the Town of Ayden, to wit:

"BEGINNING on the western side of the right of way of North Carolina Highway Number 11 (Lee Street) at the northeast corner of W. J. Hart property, and running thence in a western direction and with the southern property line of a tract of land owned by Mrs. Nannie E. Coward and with the northern line of the property line of the W. J. Hart Development as shown by that map recorded in Map Book 5 at page 181, 845 feet, more or less, to a corner; thence in a southern direction, on a line which is an extension of the western line of Brewster Jenkins property 650 feet, more or less, to a point where Brewster Jenkins' western line is intersected by the northern property line of Peachtree Street Extended; thence in a western direction a straight line across the property of Mrs. Agnes E. Moore and E. F. Dennis 1825 feet, more or less, to a point on the western property line of Juanita Street at a corner of W. E. Gibson and E. F. Dennis and continuing in a western direction with the northern property line of W. E. Gibson and Claude Dennis 500 feet more or less, to a corner; thence South 61 degrees 45 minutes West 275 feet, more or less, to a corner in the property of Larry Odell Dennis; thence in a southern direction with a line 150 feet from and parallel to the western property line of Laurinburg Street 550 feet, more or less, to a point which is 150 feet from the northern property line of Third Street; thence in a western direction parallel with the said northern property line of Third Street and 150 feet therefrom, 150 feet more or less, to another corner; thence in a southern direction at right angles to Third Street and crossing Third Street 360 feet more or less to a point 150 feet South of Third Street; thence in an easterly direction 150 feet from and parallel to Third Street 240 feet, more or less, to a corner; thence in a southern direction and with the extension of the western property line of the Harvey Bowen lot and the western property line of the West Haven Terrace Subdivision (Map Book 5, page 194) 1725 feet more or less, to the southwest corner of said West Haven Terrace Subdivision; thence in an eastern direction with the southern property line of said West Haven Terrace Subdivision to a point which is 150 feet measured at right angles from the western property line

of Juanita Street; thence in a southern direction 150 feet from and parallel to the western property line of Juanita Street 1050 feet, more or less, to the southern property line of Snow Hill Street; thence continuing in a southern direction and at right angles to the southern property line of said Snow Hill Street 150 feet to a corner; thence in an eastern direction following a line 150 feet from and parallel to the southern property line of Snow Hill Street to a point where the said line would intersect the southern line of Lot 13 of the Harris property (now owned by R. Stancill Sumrell, Map Book 1, page 141) and continuing in an eastern direction with the southern lines of Lots 13 through 25 of said property to J. W. Jackson property (Map Book 3, page 250); thence in a southern direction with the western line of the J. W. Jackson Development 554 feet, more or less, to the southwest corner of said development which joins the school property; thence in a western direction with the northern line of said school property to a corner with the Robert N. Johnson property; thence in a southern direction with the western property line of said school property and the College View Park property to the southwest corner of Lot 80, Block B of the College View Park Subdivision (Map Book 2, page 213); thence in a western direction 44 feet, more or less, to a point which is 150 feet from the western property line of College Drive; thence in a southern direction following a line which is 150 feet from and parallel with College Drive, 500 feet more or less to a point which is 150 feet South of Park Drive; thence in an eastern direction following the line which is 150 feet from and parallel to the southern property line of Park Drive crossing Lee Street, to a point which is on the southern extension of the center line of Queen Street in the Southdale Development (Map Book 3, page 298); thence in a northern direction with the extension of the center line of Queen Street to the southern line of the Southdale Development; thence in an eastern direction following the southern line of said development to the southeast corner of said development; thence in a northern direction with the eastern line of said development 822 feet, more or less, to the southern line of a lot owned by Roy Williams, thence in an eastern direction with the northern property line of E. F. Dennis and Doris C. Gooding in a straight line and continuing said straight line across the right of way of the Atlantic Coastline Railroad Company and continuing said straight line across the properties owned by Dan Stewart and J. G. Cannon and East Railroad Avenue (Gum Swamp Road) to the point the said line intersects the eastern property line of said East Railroad Avenue and continuing East at right angles to East Railroad Avenue 150 feet to a corner; thence in a northern direction following a line which is 150 feet from and parallel to the said property line of East Railroad Avenue to the southern property line of a lot owned by J. G. Cannon, a corner, thence in a northeast direction with the southern property line of J. G. Cannon and northern property line of Stella Mae and Genevia Dixon and extensions thereof 540 feet more or less to the southeast corner of Pearlie Ellis' lot which faces Turnage Street; thence in a northerly direction with the Pearlie Ellis lot 20 feet more or less, to the southwest corner of the Cannon-Tyson Development (Map Book 1, page 77); thence in an eastern

direction with the southern line of said Cannon-Tyson Development 340 feet, more or less, to the Washington Heights Subdivision (Map Book 3, page 204); thence in a northern direction with the western lines of said Washington Heights Subdivision 425 feet more or less to the southern property line of Turnage Street; thence continuing in a northwest direction across Turnage Street to the southwest corner of Lot 8 in Block B of said Washington Heights Subdivision; thence continuing North with the western lines of Lots 8 through 14 of said Block B and extensions of said lines to the northern property line of Roosevelt Street; thence in an eastern direction with the northern property line of said Roosevelt Street, 340 feet, more or less, to the southwest corner of Bonnie B. Basden property, the southeast corner of the Town of Ayden property; thence in a northern direction with the eastern line of said town property 345 feet, more or less, to a corner in the town of Ayden cemetery and Bertha I. Hardee property; thence in an eastern direction with the southern line of the town cemetery property 200 feet, more or less, to a corner, and thence continuing with the division line of the town cemetery and Hardee property in a northern direction 300 feet to another corner; thence in a western direction following the town cemetery property and Hardee property division line to the southeast corner of Bonnie B. Basden's property; thence in a northwest direction with the eastern property line of the Basden property to a point which is 150 feet from the eastern property line of Blount Street measured at right angles to Blount Street; thence in a northern direction following a line which is 150 feet from and parallel to the eastern property line of Blount Street to the southern property line of the Sunrise Park Subdivision (Map Book 1, page 109); thence in an eastern direction with the said southern property line of said Sunrise Park Subdivision to the southeast corner of Lot No. 95; thence in a northern direction with the East line of Lot No. 95 and an extension thereof to the northern property line of Boulevard Street; thence in a western direction with the northern property line of said Boulevard Street to the southeast corner of Lot No. 94 of the Sunrise Park Subdivision; thence in a northern direction with the eastern line of said Lot No. 94 to the northeast corner of said lot; thence in a western direction with the northern property line of Lots 94, 92, and a part of 90 to a point which is 150 feet from the eastern property line of East College Street; thence in a northern direction 150 feet from and parallel to East College Street to a point which is 150 feet from the southern property line of Third Street, a corner; thence in an eastern direction following a line which is 150 feet from and parallel to the southern property line of Third Street 360 feet, to a corner; thence North 1 degree 45 min. East 750 feet more or less crossing Third Street and Second Street to a point which is 150 feet from the northern property line of Second Street, a corner in the lands of Mrs. J. F. Dixon; thence in a western direction following a line which is 50 feet from and parallel to the northern property line of Second Street, 312 feet, more or less, to a point which is 150 feet from the eastern property line of East College Street; thence in a northern direction following a line which is 150 feet from and parallel to the eastern property line of East College Street 650

feet, more or less, to a corner in the property of Mrs. Lucy Worthington, said corner being in an eastern extension of the southern property line of J. D. Cannon property; thence in a western direction crossing East College Street and continuing with the southern property line of J. D. Cannon and the northern property lines of G. M. Caton, A. L. Cox, Rex Smith, D. L. and Beulah Smith and extensions thereof for a distance of 1600 feet, more or less, to a point which is 150 feet from the eastern property line of Blount Street, a corner in the J. D. Cannon property; thence in a northern direction 150 feet from and parallel with the eastern property line of Blount Street, and extensions 980 feet, more or less, to the southern property line of the Robert G. Harris property; thence in a western direction following the southern property line of the Robert G. Harris property 375 feet, more or less, to a point which is 150 feet East from the eastern property line of East Railroad Avenue in the Town of Ayden property; thence in a northern direction following a line which is parallel with East Avenue and 150 feet therefrom 200 feet, more or less, to a corner in the Robert G. Harris property; thence in a western direction perpendicular to and crossing East Railroad Avenue, the right of way of Atlantic Coastline Railroad property, and West Railroad Avenue to the western property line of West Railroad Avenue, a common corner with Mrs. Nannie E. Coward property and the W. J. Hart Subdivision (Map Book 3, page 293); thence continuing in a western direction with the northern line of said Subdivision across Lee Street, Highway No. 11, to the point of BEGINNING."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 227 CHAPTER 483

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF JONES COUNTY TO LEVY CERTAIN SPECIAL AD VALOREM TAXES.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 331 of the Session Laws of 1945, as amended by Chapter 962 of the Session Laws of 1951, is hereby amended to read as follows:

"Sec. 2. The Board of Commissioners of Jones County is hereby authorized to levy a special tax of fifteen cents (15c) on a one hundred dollars ($100.00) valuation of property for the purpose of paying the salary and expenses of the office of County Farm Agent and Home Demonstration Agent."

Sec. 2. Section 3 of Chapter 331 of the Session Laws of 1945 is hereby rewritten to read as follows:

"The Board of Commissioners of Jones County is hereby authorized to levy a special tax of ten cents (10c) on a one hundred dollars ($100.00) valuation of property for the purpose of cooperating with the State of North Carolina in forest fire prevention work as provided by Section 15 of Chapter 113 of the General Statutes of North Carolina, and such tax levy is hereby declared to be for a special purpose and for a necessary expense of Jones County."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 299 CHAPTER 484

AN ACT TO AMEND G. S. 51-9 RELATING TO HEALTH CERTIFICATES REQUIRED OF APPLICANTS FOR MARRIAGE LICENSES.

The General Assembly of North Carolina do enact:

Section 1. The last paragraph of G. S. 51-9 of the General Statutes, as the same appears in Volume 2A of the General Statutes of North Carolina, is hereby amended by adding in line three of said paragraph after the word "to" and before the words "epileptic attacks" the word "uncontrolled".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 457 CHAPTER 485

AN ACT AMENDING SECTION 153-77 OF THE GENERAL STATUTES, BEING A PART OF THE COUNTY FINANCE ACT, AUTHORIZING THE COUNTY OF HENDERSON TO ISSUE BONDS FOR CONSTRUCTION OF WATER LINES.

The General Assembly of North Carolina do enact:

Section 1. That Section 153-77, Volume 3C of the General Statutes, as amended, be and the same is hereby amended by inserting the following clause at the end of said Section:

"(o). Construction and purchase of a water line or water lines to extend from the corporate limits of a municipality to a locality or localities within the county and outside such corporate limits."

Sec. 2. That the provisions of this Act shall apply only to Henderson County, which county may not issue bonds or notes for an amount exceed-

ing fifty thousand dollars ($50,000) for the purpose stated in Section 153-77 of the General Statutes, as amended by Section 1 of this Act.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 464 CHAPTER 486

AN ACT TO REWRITE G. S. 35-61 RELATING TO CREATION, MEMBERSHIP, AND CHAIRMAN OF A MENTAL HEALTH COUNCIL.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 35-61 be and the same is hereby rewritten to read as follows:

"35-61. Creation of Council; Membership; Chairman.—There is hereby created a Mental Health Council to be composed of the following persons: The Superintendent of Mental Hygiene, the Chairman of the North Carolina Hospitals Board of Control, the Commissioner of Public Welfare, the Director of the Division of Psychological Services of the State Board of Public Welfare, the State Health Officer, a representative of the North Carolina Association of Clerks of Court, the State Superintendent of Public Instruction, the Commissioner of Correctional Institutions, the Director of the Division of Vocational Rehabilitation of the State Department of Public Instruction, the Chief of the Mental Health Section of the State Board of Health, a representative of the Medical Society of the State of North Carolina, Dental Society of the State of North Carolina, a representative of the North Carolina Neuro-Psychiatric Association, a representative of the North Carolina Mental Hygiene Society, a representative of the Department of Psychiatry of each of the four-year medical schools in the State, a representative of the North Carolina Psychological Association, a representative of the North Carolina Conference for Social Service, a representative of the State Congress of Parents and Teachers, and a representative of the Eugenics Board. The Mental Health Council is hereby empowered to invite additional organizations to name representatives to the council.

"The Mental Health Council shall choose its own chairman."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 471 **CHAPTER 487**

AN ACT TO AMEND ARTICLE 4 OF CHAPTER 119 OF THE GENERAL STATUTES RELATING TO THE REGULATION OF, AND SAFETY IN, THE DESIGN, CONSTRUCTION, LOCATION, INSTALLATION AND OPERATION OF EQUIPMENT FOR STORING, HANDLING, TRANSPORTING AND UTILIZING LIQUEFIED PETROLEUM GASES FOR FUEL PURPOSES, AND TO REQUIRE THE REGISTRATION OF THOSE ENGAGED IN THIS BUSINESS.

The General Assembly of North Carolina do enact:

Section 1. Article 4 of Chapter 119 of the General Statutes is rewritten to read as follows:

"ARTICLE 4.

"Equipment for Handling, Etc., Liquefied Petroleum Gases.

"G. S. 119-48. PURPOSE—The purpose of this Article shall be to make, promulgate and enforce regulations setting forth minimum general standards of safety covering the odorizing of liquefied petroleum gases, and the design, construction, location, installation and operation of equipment used in handling, storing, measuring, transporting, distributing and utilizing liquefied petroleum gases as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such equipment and liquefied petroleum gases, and such other matters as may be deemed reasonably necessary in making effective the purposes of this Article; provided that such rules and regulations shall be in substantial conformity with nationally accepted standards as adopted and recommended by the National Board of Fire Underwriters and the National Fire Protection Association.

"The term 'liquefied petroleum gas' as used in this Article shall mean and include any material which is composed predominantly of any of the following hydrocarbons or mixtures of the same: Propane, propylene, butanes (normal butanes or isobutane), and butylenes.

"G. S. 119-49. MINIMUM STANDARDS—The standards as set forth in the July, 1954, pamphlet no. 58 of the National Board of Fire Underwriters, entitled: 'STANDARDS OF THE NATIONAL BOARD OF FIRE UNDERWRITERS FOR THE STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GASES AS RECOMMENDED BY THE NATIONAL FIRE PROTECTION ASSOCIATION', and in the May, 1953, pamphlet no. 52 of the National Fire Protection Association, entitled: 'LIQUEFIED PETROLEUM GAS PIPING AND APPLIANCE INSTALLATIONS IN BUILDINGS', are hereby adopted as minimum general standards of safety in handling, measuring, storing, odorizing, transporting, distributing and utilizing liquefied petroleum gases. The Board of Agriculture may amend any of the minimum standards as may be deemed reasonably necessary and advisable after a public hearing thereon. All registrants under this Article shall be notified in writing 30 days prior to any hearing held hereunder. No municipality or other political subdivision shall adopt or enforce

any regulation in conflict with the provisions of this Article or in conflict with the rules and regulations made and promulgated in accordance with the provisions of this Article.

"G. S. 119-50. REGISTRATION—Any person, firm, or corporation engaged in, or who desires to engage in the business of selling or otherwise dealing in liquefied petroleum gas which requires handling, storing, measuring, transporting or distributing liquefied petroleum gas, or who is engaged in or desires to engage in the business of installing, servicing, repairing, adjusting, connecting, or disconnecting containers, equipment or appliances which use liquefied petroleum gas, shall forthwith, upon the ratification of this Act and annually on or before January 1 thereafter, register with the Commissioner of Agriculture of North Carolina on a form or forms furnished by the Commissioner of Agriculture, giving the name and address of the person, firm, or corporation, and the place or places of and the type or types of business of such registrant, and such other pertinent information as the Commissioner may deem necessary; provided, however, that the provisions of this Section shall not apply to a person, firm or corporation who retails liquefied petroleum gas in containers of less than fifty (50) pounds water capacity which retailing does not involve the filling of such containers.

"G. S. 119-51. ADMINISTRATION—The Board of Agriculture is hereby authorized and empowered, in accordance with the provisions of this Article, to make and to promulgate rules and regulations, including minimum standards of safety, and it shall be the duty of the Commissioner of Agriculture to administer, all of the provisions of this Article and all of the rules and regulations made and promulgated under this Article relating to handling, odorizing, storing, measuring, transporting, distributing and utilizing liquefied petroleum gases.

"G. S. 119-52. RIGHT OF ENTRY—In administering the provisions of this Article the Commissioner of Agriculture, his agent or representative, is hereby authorized and empowered, with the permission of the owner or occupant thereof, to enter and go into any place, building or premises where liquefied petroleum gas is used, stored, handled, transported or possessed, for the purpose of inspecting, testing, trying and ascertaining if such gas is being used, stored, handled, transported or possessed, and if the equipment and/or appliances are properly installed, in accordance with the laws and rules and regulations of the Commissioner of Agriculture, relating thereto: Provided, that if such permission to enter is refused by the owner or occupant, the Commissioner of Agriculture, his agent or representative, is hereby authorized, after written notice to said owner or occupant, to apply and obtain from the judge of a court of record in the county in which said property is located an order to inspect such place, building or premises upon showing to the said court the need therefor. In the general performance of his duty the Commissioner of Agriculture shall condemn any weighing, measuring, handling, storing, distributing apparatus or equipment which does not conform to the minimum standards or the rules and regulations made and promulgated in accord-

ance with the provisions of this Article, and the owner or user thereof shall not thereafter use or operate such equipment or apparatus until it has been made to conform.

"G. S. 119-53. UNLAWFUL ACTS—It shall be unlawful for any person, firm or corporation other than the owner or those authorized by the owner to sell, fill, refill, deliver or permit to be delivered, or use in any manner any liquefied petroleum gas container or receptacle for any gas, compound, or for any other purposes whatsoever.

"It shall be unlawful for any person, firm or corporation to leave a liquefied petroleum gas tank or container disconnected from a service hookup, whether full, partially empty, or empty, upon the premises of a consumer, unless it is securely capped in a safe manner with manually operated valves protected by means of a standard valve protecting cap, or for any dealer or distributor to install a system which does not conform to the minimum standards or rules and regulations herein provided for; or to ignore or fail to conform to any one of the minimum standards provided for by this Article; or to violate any rule or regulation made and promulgated in accordance with the provisions of this Article; or to misrepresent the quantity of liquefied petroleum gas offered for sale, sold, or delivered; or to otherwise violate any provision of this Article.

"G. S. 119-54. PENALTY—It shall be unlawful for any person, firm, or corporation, after the ratification of this Act, to violate any of the provisions hereof or any of the rules and regulations made and promulgated in accordance with the provisions of this Article. Any person, firm, or corporation violating any of the provisions of this Article, or any of the rules and regulations made and promulgated in accordance with the provisions of this Article, shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or by imprisonment or by both fine and imprisonment in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 485 CHAPTER 488

AN ACT REPEALING CHAPTER 102, PUBLIC LAWS OF 1929, RELATIVE TO THE ISSUANCE OF WITNESS TICKETS IN CRIMINAL CASES IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all of Chapter 102, Public Laws of 1929, be and the same is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 528 CHAPTER 489

AN ACT AMENDING GENERAL STATUTES 160-22 TO AUTHORIZE CITIES AND TOWNS TO INCREASE THE NUMBER OF MEMBERS OF MUNICIPAL PLANNING BOARDS.

The General Assembly of North Carolina do enact:

Section 1. The second sentence of G. S. 160-22 is hereby amended to read as follows:

"The governing body of such city or town desiring to establish such local planning board shall appoint not less than three nor more than nine on said board."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 545 CHAPTER 490

AN ACT TO AMEND G. S. 20-80 SO AS TO AUTHORIZE THE ISSUANCE OF AN ADDITIONAL NUMBER OF LICENSE PLATES TO CERTAIN MEMBERS OF THE NATIONAL GUARD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-80 is amended by striking out in line 16 the word "eleven" and inserting in lieu thereof the word "sixteen".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 7th day of April, 1955.

H. B. 555 CHAPTER 491

AN ACT TO REGULATE AND CHANGE THE NAME OF THE PRESENT RURAL POLICE OF CUMBERLAND COUNTY TO PROVIDE FOR THE APPOINTMENT OF A CHIEF OF SUCH POLICE AND TO CONFINE THE SERVICE OF PROCESS OF SUCH POLICE TO THE SERVICE OF CRIMINAL PROCESS ONLY.

The General Assembly of North Carolina do enact:

Section 1. The peace officers, or police officers, of Cumberland County, referred to and called "rural police", as originally authorized and estab-

lished by Chapter 569 of the Public-Local Laws of 1923, shall continue to perform their duties and do all things, and exercise such powers and functions as heretofore fixed by law, except as provided in this Act. The said rural police, or rural policemen of Cumberland County, by whatsoever name called, shall hereafter be referred to and designated as "county police" or "county policemen", and said police force shall be referred to as a body by the term of "Cumberland County Police".

Sec. 2. The Cumberland County Police shall be under the sole and exclusive control of the Board of County Commissioners of Cumberland County and shall be subject to the orders of such administrative officers, Chief of Cumberland County Police, Sergeants of Cumberland County Police, Corporals of Cumberland County Police and such other gradations or rank of officers that the said Board of County Commissioners shall determine, create and fix by regulation and to which said officers the said Board of County Commissioners may delegate power, authority and administrative control over said police force. There shall be a Chief of the Cumberland County Police who shall be appointed by a majority vote of the Civil Service Commission for the County of Cumberland, created and established by an Act of the General Assembly in 1955. The Chief of the Cumberland County Police and all subordinate officers and all members of the County Police Force shall be under the exclusive direction and control of and shall be directly responsible to the Board of County Commissioners of Cumberland County for the proper enforcement of the laws of the State of North Carolina in the rural sections or such other sections of Cumberland County as the Board of County Commissioners may designate. The Board of County Commissioners of Cumberland County shall have the power in their discretion to suspend from office the Chief of the Cumberland County Police for malfeasance in office, drunkenness, dishonesty, neglect of official duty, or for failure to follow the rules and regulations promulgated by the Board of County Commissioners of Cumberland County. In case of such suspension of the Chief of the Cumberland County Police Department, or Force, by said Board of County Commissioners, as herein provided, the said Board of County Commissioners shall certify such action on their part in writing, together with a statement of the causes of said suspension, to the said Civil Service Commission for the County of Cumberland, which shall within 10 days from the receipt of such certificate overrule such suspension and restore such Chief to duty or shall confirm such suspension, take such additional action as it sees fit and proceed immediately to the election or appointment of a new Chief of said Cumberland County Police. The Civil Service Commission of the County of Cumberland shall notify the Board of County Commissioners of the action taken. The salary of the Chief of the Cumberland County Police shall be fixed by the Board of County Commissioners of Cumberland County and shall be paid in such amounts and at such times as the said Board of County Commissioners of Cumberland County shall determine.

Sec. 3. The members of said Cumberland County Police and all officers subordinate to the Chief of Cumberland County Police shall be subject to the provisions, rules and regulations of the Civil Service Commission for

the County of Cumberland enacted at the 1955 Session of the General Assembly, the same being entitled "AN ACT TO CREATE A CIVIL SERVICE COMMISSION FOR CERTAIN EMPLOYEES OF CUMBERLAND COUNTY", and all promotions, filling of vacancies and appointments shall be under the regular rules and regulations established by said Civil Service Commission of Cumberland County. The Chief of Cumberland County Police, with the approval of the Board of County Commissioners of Cumberland County, shall appoint the jailer of Cumberland County, and all employees and deputy jailers, and shall have full administrative control and authority of the common jail of Cumberland County and shall be responsible for the custody and care of the prisoners and other persons who may be committed to said common jail. The Board of County Commissioners of Cumberland County shall fix the salaries of said jailer and all employees, deputies and assistants of said jail.

Sec. 4. Notwithstanding any other provision of law the Cumberland County Police shall not be authorized nor shall they have any power or authority to serve any civil process, orders, decrees, notices, summonses, or any other papers or process pertaining to or connected with civil actions, civil proceedings, special proceedings or any matter of a civil nature. The authority of said Cumberland County Police shall be confined entirely with the enforcement of the criminal law and the service of criminal process as heretofore authorized by law.

Sec. 5. All laws and clauses of laws and all general, public-local, private or special laws heretofore enacted, inconsistent with or in conflict with this Act, are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 562 CHAPTER 492

AN ACT TO AMEND ARTICLE 22 OF CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROHIBIT ANY TYPE OF SURVIVORSHIP FUND IN A LIFE INSURANCE CONTRACT.

The General Assembly of North Carolina do enact:

Section 1. Article 22 of Chapter 58 of the General Statutes is amended by adding a new Section immediately following G. S. 58-195.2 to be designated as G. S. 58-195.3, and to read as follows:

"G. S. 58-195.3. No life insurance company shall hereafter deliver in this State, as a part of or in combination with any insurance, endowment or annuity contract, any agreement or plan, additional to the rights, dividends, and benefits arising out of any such insurance, endowment, or annuity contract, which provides for the accumulation of profits over a period of years and for payment of all or any part of such accumulated profits only to members or policyholders of a designated group or class who continue as members or policyholders until the end of a specified period of

years. Nor shall any such company deliver in this State any individual life insurance policy which provides that on the death of anyone not specifically named therein, the owner or beneficiary of the policy shall receive the payment or granting of anything of value."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 564 CHAPTER 493

AN ACT AUTHORIZING THE ESTABLISHMENT OF A RECREATION DISTRICT WITHIN ORANGE COUNTY: THE LEVYING OF A RECREATION SYSTEM TAX AND THE ISSUANCE OF RECREATION BUILDING BONDS IN BEHALF OF THE RECREATION DISTRICT AND THE LEVY OF TAXES WITHIN SUCH DISTRICT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS.

The General Assembly of North Carolina do enact:

Section 1. A petition signed by at least fifteen per cent (15%) of the resident freeholders living within an area, which area is described in the petition and designated as "Chapel Hill-Carrboro Recreation District of Orange County", and which area may include, but is not limited to one or more incorporated cities or towns within the county, together with any surrounding unincorporated area within the county, may be filed with the Board of County Commissioners of Orange County requesting it to do one or both of the following things:

(1) Levy an annual tax of not more than ten cents (10c) on each one hundred dollars ($100.00) of assessed valuation of the taxable property within the district for the purpose of providing, conducting and maintaining a supervised recreation system in said district.

(2) Issue bonds of the unit in behalf of the recreation district in the amount specified in the petition and to levy a tax on all taxable property within the district for the payment thereof, for the purpose of acquiring, improving and equipping lands or buildings or both for parks, playgrounds, recreation centers and other recreation facilities.

When the petition is filed the board of County commissioners shall cause notice to be given by posting at the courthouse door, and at three public places in such proposed recreation district, and by three weekly publications in a newspaper circulating in such proposed recreation district, that on a date named in such notice, which shall not be earlier than twenty days after the first posting and publication of such notice, it will hold a public hearing at a designated place within the proposed recreation district, upon the question or questions petitioned for and set forth in such notice, and that any taxpayer or other interested person may appear and be heard at the time and place set forth in such notice.

At the time and place stated in such notice the board shall hear all interested persons and may adjourn the hearing from time to time. The board shall have the authority to modify or enlarge the area described in such petition.

When the petition is filed, it shall be the duty of the board of county commissioners to cause the question petitioned for to be submitted to the voters at a special election to be held in the district within one hundred twenty (120) days from the date of filing.

Sec. 2. If said election is held pursuant to a petition requesting the levy of a tax for recreation purposes, the form of the question, stated on the ballot, shall be substantially the words: "For District Recreation Tax" and "Against District Recreation Tax". Such affirmative and negative forms shall be printed upon one ballot, containing squares opposite the affirmative and negative forms, in one of which squares the voter may make a cross (X) mark.

Sec. 3. If a majority of the qualified voters, voting at said election, shall vote "For District Recreation Tax", then the board of county commissioners is authorized and directed, on the basis of a budget submitted to the board by the Recreation District Commission, to levy and collect a tax in said district in such amounts as it may deem necessary, not exceeding ten cents (10c) on the one hundred dollars ($100.00) valuation of property in said district from year to year. At least once a month, the tax collector of the county shall deposit the proceeds of such tax in a bank designated by the recreation District Commission. The officer or officers having charge or custody of the funds of the district shall require said bank to furnish security for the protection of such deposits as provided for in §159-28. Withdrawals from such account shall be made by vouchers signed by the chairman and the treasurer of the Recreation District Commission for the purposes of establishing and conducting of a system of supervised recreation for such district; the acquisition and improvement of any lands, buildings, or equipment; the construction, operation, equipping and maintaining of parks, playgrounds, recreation centers and recreation facilities, and all buildings and structures necessary or useful in connection therewith.

Sec. 4. If said election is held pursuant to a petition requesting a bond issue, the notice of election shall be given by publication at least three times in some newspaper published or circulating in such recreation district. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such recreation district unless the recreation district is coterminous with a township in said county (in which event the notice shall so state), the maximum amount of bonds to be issued, the purpose or purposes for which the bonds are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the recreation district for the payment of the principal and interest of the bonds. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such recreation district shall be ordered and notice of such new registration shall be deemed to be suffi-

ciently given by publication once in some newspaper published or circulating in such recreation district at least thirty days before the close of the registration books. This notice of registration may be considered one of three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day; and except as otherwise provided in this Article, such election shall be held in accordance with the laws governing the general elections. The form of the question, as stated on the ballot, shall be substantially the words: "For the issuance of two hundred fifty thousand dollars ($250,000.00) Recreation Bonds and the levying of a sufficient tax for the payment thereof" and "Against the issuance of two hundred fifty thousand dollars ($250,000.00) Recreation Bonds and the levying of a sufficient tax for the payment thereof." Such affirmative and negative forms shall be printed upon one ballot, containing squares opposite the affirmative and negative forms, in one of which squares the voter may make a cross (X) mark.

Sec. 5. If a majority of the qualified voters of such district who shall vote thereon at such election shall vote in favor of the issuance of such bonds and the levy of such tax, and the levy of an operations and maintenance tax shall have been approved as provided in Section 3, then the board of county commissioners may provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds in the principal amount of not to exceed two hundred and fifty thousand dollars ($250,000.00), which bonds shall be issued by the county, but shall be issued in the name of the recreation district, and they shall be made payable exclusively out of taxes to be levied in such recreation district. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the said board of county commissioners may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. The bonds shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue, and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. The bonds shall bear interest at a rate not exceeding six per centum (6%) per annum, payable semiannually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the chairman of the board of county commissioners, and the seal of the county shall be affixed to or impressed

upon each bond and attested by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing. The proceeds from the sale of such bonds shall be placed in a bank in the State of North Carolina to the credit of the Recreation District Commission, and payments therefrom shall be made by vouchers signed by the chairman and treasurer of the Recreation District Commission. The officer or officers having charge or custody of funds of the district shall require said bank to furnish security for the protection of deposits of the district as provided in §159-28. Proceeds from the sale of said bonds shall be used by said District Recreation Commission for the purpose of acquiring, improving and equipping lands, buildings or equipment or the construction or equipping of parks, playgrounds, recreation centers and other recreation facilities, and all buildings and structures necessary or useful in connection therewith.

Sec. 6. The board of county commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district in which the election was held, sufficient to pay the principal and interest of the bonds as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district. Except as otherwise herein provided said tax shall be levied and collected in the same manner as other taxes of the county. The county authorities shall apply said tax solely to the payment of principal and interest of such bonds.

Sec. 7. The proceeds of the special tax or bonds herein authorized shall be administered as provided in Section 3 by a Recreation District Commission to be known as the "Chapel Hill-Carrboro Recreation District Commission of Orange County". The commission shall be vested with the authority to provide, maintain, conduct and operate the recreation system within said district with authority to employ directors, supervisors, and play leaders and such other officers or employees as may be deemed best within the budget provided. The commission shall have the power and authority to accept any gift, grant, lease, loan, devise or bequest of money, lands, buildings, or other personal property or any donation to be applied, principal or income for either temporary, immediate or permanent recreational use. Lands or devises, gifts or bequests may be accepted and held subject to the terms under which such land or devise, gift or bequest is made, given or received.

Sec. 8. If a majority of the qualified voters voting at any special election provided for in this Act shall vote in the affirmative, then said "Chapel Hill-Carrboro Recreation District of Orange County" shall be in existence, have legal status and be a legal entity and shall be subject to all the legal powers, duties and obligations and shall exercise all of the authority given or conferred by this Act, and the appointing authorities named in this Act shall proceed to appoint a commission to act as the governing authority of said recreation district in accordance with the

provisions of Section 9 of this Act. The said commission may pass a resolution, fixing or designating its title or name to be used in the administration of all of its affairs and business.

Sec. 9. The commission shall consist of five or more members as determined by the board of county commissioners. Two of the members shall be appointed by the governing body of any city or town included within said district, and the remaining member or members shall be appointed by the board of county commissioners. At least one-third (1/3) of the members shall serve for a term of one year, at least one-third (1/3) of the members for a term of two years and the remainder for a term of three years. The board of county commissioners shall designate the original terms of the members. Upon the expiration of their original terms of office, each succeeding term shall be for three years and until their successors qualify for office. Vacancies on the commission shall be filled for the unexpired term by appointment of the governing body of the city, town or county which made the original appointment. The members shall serve without compensation. The recreation commission at its first meeting shall appoint a chairman, a treasurer, and such other officers as may be deemed proper for the conduct of its business and shall adopt rules and regulations to govern its procedures, and may adopt rules and regulations from time to time for the purpose of governing the use of parks, playgrounds, recreation centers and recreation facilities. The treasurer shall be required to funish bond in some surety company authorized to do business in North Carolina, in an amount to be fixed by the Recreation District Commission, which bond shall be approved by the Recreation District Commission and shall be conditioned upon the true accounting for all funds which may come into his hands as such treasurer.

Sec. 10. The board of commissioners of the county shall order the county board of elections to conduct the election so called as provided in Section 1, which said board of elections shall provide one or more polling places in said district, shall provide for a registrar or registrars and judges of election at said voting places, shall provide for the registration of all qualified voters living in said district, shall cause to be prepared the necessary ballots for voting at said election, shall fix the time and place for holding the same, and shall conduct said election in every respect according to the provisions of the laws governing general elections so far as they may be applicable. The costs of holding the election shall be paid by the county.

Sec. 11. At the close of the polls in any election provided for in this Act, the election officers shall count the votes and make returns thereof to the county board of elections which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election. The returns shall be made in duplicate, one copy of which shall be delivered to the county board of elections and the other filed with the Clerk of the Superior Court of the county in which the recreation district is situated. The county board of elections shall prepare a statement showing the number of votes cast for and against the bonds, and declaring the result of the

election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall transmit it to the board of county commissioners who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district.

Sec. 12. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district shall be asserted, nor shall the validity of such election or the validity of the creation of such district, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of results as provided in the preceding Section.

Sec. 13. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds, or any provisions of law for the payment of bonds issued under such powers, or for the custody of moneys provided for such payment.

Sec. 14. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force shall be applicable to any bonds issued under this Act.

Sec. 15. This Act shall apply only to Orange County.

Sec. 16. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 17. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 587 CHAPTER 494

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF PASQUOTANK COUNTY TO LEVY AND COLLECT ANNUALLY A LICENSE OR PRIVILEGE TAX FROM ALL PERSONS, FIRMS AND CORPORATIONS OWNING OR OPERATING DOG KENNELS.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other taxes levied and collected in Pasquotank County the Board of County Commissioners of Pasquotank County is authorized and directed to levy and collect from any person, firm or corporation owning or operating a dog kennel a license or privilege tax on each such dog kennel in the amount of fifteen dollars ($15.00). It shall be the duty of every person, firm or corporation now owning and operating a dog kennel in Pasquotank County within a period

of thirty (30) days from and after the effective date of this Act to apply for and purchase his or her license certified in the amount above provided, and every person, firm or corporation beginning to operate a dog kennel at any time after the passage of this Act shall within a period of thirty (30) days apply for and purchase a license tax certificate in the amount above fixed and described. It shall be the duty of any person, firm or corporation operating a dog kennel in Pasquotank County who has purchased his license tax certificate to show or exhibit the said license certificate or receipt to the tax lister of said County at such time as such tax lister is engaged in the performance of his duties. All dog kennel owners who become delinquent in the payment of such license tax shall pay said tax to the tax collector of the county, and the same shall be collected in the same manner as other delinquent taxes and under the same penalties provided by law for the collection of taxes on other personal property in said county.

Sec. 2. Any person, firm or corporation owning or operating a dog kennel shall pay the dog kennel tax required by this Act, and upon the payment of such dog kennel tax the same shall be in lieu of listing the dogs on the regular tax list and paying any license tax on any individual dog. In order to have the benefit of this provision, however, such person, firm or corporation owning or operating a dog kennel shall have the dogs confined in said kennel and not running at large in any manner or running loose upon the owner's property or the property of any other person. Every person, firm or corporation in Pasquotank County owning dogs shall at the regular time for listing taxes advise and inform the tax lister whether or not such dogs are in a dog kennel or whether or not such dog or dogs are owned and kept otherwise.

Sec. 3. In the event said dog kennel is operated by a partnership, then each member of the firm, or partnership, shall apply for and purchase a tax certificate in the amount of fifteen dollars ($15.00) as herein provided, and each member of the partnership shall be liable to the amount of fifteen dollars ($15.00) each for his or her own individual license tax which shall be paid, license certificate obtained and exhibited to the tax lister and subject to the same penalties for delinquency as herein provided for the license tax on each individual kennel.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 610 **CHAPTER 495**

AN ACT TO FIX THE COMPENSATION OF CERTAIN ELECTED OFFICIALS OF PITT COUNTY BY AMENDING AND RE-WRITING CHAPTER 548 OF THE SESSION LAWS OF 1951 AS AMENDED BY CHAPTER 376 OF THE SESSION LAWS OF 1947 AS AMENDED BY CHAPTER 403 OF THE SESSION LAWS OF 1949, AND AS AMENDED BY CHAPTER 1279 OF THE SESSION LAWS OF 1949.

The General Assembly of North Carolina do enact:

Section 1. Chapter 548 of the Session Laws of North Carolina of 1951, as amended, is hereby further amended by rewriting Sections one through five to read as follows:

"Section 1. That on and after the first day of July, 1955, each member of the Board of County Commissioners of Pitt County, except the Chairman and Vice Chairman, shall receive as full compensation for his services the sum of seventy-five dollars ($75.00) per month; the Vice Chairman shall receive the sum of one hundred dollars ($100.00) per month, and the Chairman shall receive the sum of one hundred twenty-five dollars ($125.00) per month; said payments to be made from Pitt County funds.

"Sec. 2. That the Clerk of the Superior Court of Pitt County shall receive as full compensation for the performance of his duties as clerk, including his duties as Judge of the Juvenile Court of Pitt County, a salary of not less than forty-two hundred dollars ($4200.00), nor more than seven thousand dollars ($7,000.00) per annum, payable monthly; his salary, within the minimum and maximum amounts above recited, to be fixed by the Board of County Commissioners of Pitt County, and the Board of County Commissioners of Pitt County is hereby authorized and empowered to fix the salaries and compensation of all the employees of the office of the Clerk of the Superior Court within the board's discretion; said payments to be made from Pitt County funds.

"Sec. 3. That the Register of Deeds of Pitt County shall receive as full compensation for the performance of his or her duties as register of deeds the sum of not less than thirty-six hundred dollars ($3600.00), nor more than fifty-four hundred dollars ($5400.00) per year, payable monthly; the said salary within the minimum and maximum above recited to be fixed by the Board of County Commissioners of Pitt County, and the Board of County Commissioners of Pitt County is hereby authorized and empowered to fix the compensation and salary for the office employees of the register of deeds within the board's discretion; said payments to be made from Pitt County funds.

"Sec. 4. That the Sheriff of Pitt County shall receive as full compensation for the performance of his duties as sheriff the sum of not less than thirty-six hundred dollars ($3600.00), nor more than six thousand dollars ($6,000.00) per annum, payable monthly. His salary, within the minimum and maximum above recited, to be fixed by the Board of County Commissioners of Pitt County, and the Board of County Commissioners of Pitt County is hereby authorized and empowered to fix the compensation and salary of all deputies and employees of the office of the Sheriff of Pitt

County, within the board's discretion, and is also authorized and empowered to fix and determine the travelling expenses of the sheriff and his deputies and employees within the board's discretion; said payments to be made from Pitt County funds.

"Sec. 5. The Coroner of Pitt County shall receive twelve dollars ($12.00) per day for each day's service as coroner, and in addition thereto shall receive seven cents (7c) per mile for each mile travelled in his official capacity while serving as coroner; his said per diem and mileage to be paid from Pitt County funds."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 625 CHAPTER 496

AN ACT TO ESTABLISH A PENSION FUND FOR THE RETIREMENT AND DISABILITY OF MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. There shall be established a pension fund for the Police Department of the City of High Point, to be known as High Point Policemen's Pension and Disability Fund, hereinafter referred to as Pension Fund, and said fund shall be made up and established as follows:

a. Chapter 241 of Private Laws of the General Assembly of North Carolina of 1933 be and the same is hereby repealed and the funds now in said Police and Firemen's Fund of the City of High Point shall be transferred to the Pension Fund herein established.

b. Any policeman or fireman now receiving benefits under Chapter 241 of Private Laws of the General Assembly of North Carolina of 1933 shall continue to receive the same benefits under the Pension Fund herein created in the same manner as if said Act had not been repealed.

c. The City treasurer of the City of High Point is hereby authorized, empowered and directed to deduct each month from the second pay check of each and every member of the Police Department coming under the provision of this Act, beginning in the month of March, 1955, two per cent (2%) of the monthly salary of each paid person: Provided, that in the event the City of High Point hereinafter establishes a pension plan for any other department or departments of said city and makes contribution thereto, then and in such event the City of High Point shall make the same contribution in percentage or amount, whichever method is used in any said pension plan, per member of the Police Department as it makes per employee in any other department of said city in which a pension plan is established; Provided, further, that the contribution made by said City of High Point to the High Point Policemen's Pension and Disability Fund on behalf of each employee of the Police Department shall not exceed the amount deducted

for such fund from each said employee's salary; Provided, further, that until such time as the contribution by the City of High Point to the High Point Policemen's Pension and Disability Fund under any other said pension plan hereafter established equals or exceeds two per cent (2%) of the salary of each member of the Police Department, the governing body of the City of High Point may, at any time it sees fit, contribute to the High Point Policemen's Pension and Disability Fund on behalf of each employee of the Police Department an amount not in excess of two per cent (2%) of the salary of said employee: Provided, further, that the City of High Point shall contribute to the High Point Policemen's Pension and Disability Fund the same contribution in percentage of wage or salary per member of the Police Department of said city as it makes per employee in any other department or departments subject to the provisions of the Social Security Act of the United States Government. Provided, further, that up to a maximum of two per cent (2%) of the salary of each member of the Police Department, the city treasurer shall deduct each month from the second pay check of each and every said member an additional amount equivalent to the sum contributed per said member by the city, said amount to be paid into this pension fund each month.

d. That after deducting the two per cent (2%) set out in subsection (c) of this Section the city treasurer shall each month, beginning in the month of March, 1955, pay over to the said Pension Fund an amount equal to the two per cent (2%) of the total salaries referred to above, and in the event the City of High Point contributes to said fund, then and in that event the city treasurer shall also pay over to said fund at such time or times as the City Council may by ordinance direct, but at least once every three months, the amount of such contribution.

e. In order to provide funds for the High Point Policemen's Pension and Disability Fund herein set out, there shall be taxed in the bill of cost in all criminal cases wherein there is a conviction or a plea of guilty in the municipal court of the City of High Point, except for violation of municipal ordinance, a fee of one dollar ($1.00), to be known as the "Policemen's Pension and Disability Fund Fee", and the same shall be collected by the Clerk of Municipal Court of the City of High Point or in case of appeal from said municipal court same shall be taxed in the bill of cost and collected by the clerk of court in which the case is finally determined and paid over to the Clerk of Municipal Court of the City of High Point; and all said money collected by the Clerk of Superior Court shall be paid over to the Clerk of Municipal Court of City of High Point on the first day of each and every month. And there shall accompany such remittance a detailed and itemized statement of the cases in which said funds have been collected; the blank or statement to be made by the Clerk of Superior Court shall be furnished the said clerk by the board herein created. In all cases where the defendant is committed to the roads, the fee herein provided shall not be charged against said defendant, in the discretion of the Judge of the Municipal Court of the City of High Point, or where said defendant serves the sentence imposed by the court: Provided, that where

the defendant is convicted on more than one charge the fee hereinbefore provided for shall only be taxed in the cost in one conviction.

Unclaimed, abandoned and lost property which has come lawfully into the possession of the Police Department, and weapons lawfully seized by any member of the Police Department, after being held by the department for ninety (90) days and then duly advertised, on the order of said commission, may be sold at public auction to the highest bidder, except that weapons and firearms may be sold only to licensed dealers in firearms, and the proceeds added to the fund herein created.

Sec. 2. Any person, firm or corporation designated by the Board of Examiners of any duly convened meeting shall be the custodian of said Pension Fund, and shall pay the beneficiaries thereof on the first day of each and every month any moneys in his or its possession that such beneficiary or beneficiaries may be entitled to as set out in the succeeding paragraphs of this Act. Said custodian shall serve at the will of the Board of Examiners and shall be paid for his or its service out of said Pension Fund at such compensation as shall be agreed upon between him or it and said Board of Examiners.

Sec. 3. Any person, who is a full-time paid member of the High Point Police Department as shown by the records of the City of High Point at the time of the ratification of this Act, or who becomes a full-time paid member thereof after the ratification of this Act, and has or shall have a service record of twenty years as full-time paid member of said department and has or shall have reached the age of fifty-five years, or has or shall have attained the age of sixty-five, regardless of the length of his service, shall be eligible for retirement from service in the Police Department of the City of High Point and upon retirement or dismissal from the department shall receive not less than one dollar ($1.00), nor more than three dollars ($3.00) per month for every year he has served as a full-time paid member of the High Point Police Department.

Sec. 4. In the event any full-time paid member of the High Point Police Department shall hereafter become, in the opinion of the Board of Examiners, disabled from injury sustained in the actual performance of his duties, and is found by the Board of Examiners to be unable to work as a policeman, he shall receive each month from said Pension Fund during such disability whatever portion of the salary paid him by the City of High Point that the Board of Examiners, in its sole discretion, shall find that he is entitled to receive, after taking into consideration the nature and extent of his disability, his length of service prior to his disability, his income and compensation from all other sources, whether received directly or indirectly, the amount of the Pension Fund, and his ability to earn an income from any other source: Provided, that in no event shall the amount paid under this Section exceed seventy-five dollars ($75.00) per month for the first year following the disability, and that thereafter the amount paid under this Section shall not exceed fifty dollars ($50.00) per month. Provided, further, that in no event shall any compensation be paid him under this Section during such time as his income and compensation from any other source shall equal or exceed the salary paid him by the

City of High Point at the time of his disability; and it is further the true intent, meaning and purpose of this Act that the Board of Examiners shall be empowered hereunder, in its discretion, to pay any amount less than the maximum enumerated, and said board may refuse to make payment in any amount in any case in any or all the classes herein enumerated under this Section.

Sec. 5. If any full-time paid member of said department shall sever his connection with said department, whether voluntarily or involuntarily, or by death, before eligibility for retirement, he shall be entitled to have refunded to him one-half of all money deducted from his salary which went into said Pension Fund. If he is later re-employed in said department he shall forfeit the time accrued to him under this Pension Act unless he shall pay into said Pension fund on or before the date his re-employment begins the amount refunded him plus interest thereon at the rate of two and one half per cent (2½%) per annum.

Sec. 6. The Board of Examiners shall consist of five members; the Mayor of the City of High Point, the Chief of the Police Department of the City of High Point, the Judge of the Municipal Court of the City of High Point, and the City Manager of the City of High Point shall all be members and still another member shall be elected by a majority vote of all full-time paid members of the Police Department, and he shall serve for a term of three years. Vacancies must be filled in the same manner as provided in the original selection, except that upon resignation or refusal to serve of any of the holders of the offices enumerated, the City Council shall appoint someone to fill his unexpired term.

Section 7. The Said Board of Examiners is vested with authority to determine all matters affecting the administration of this Act, including the power and authority to determine the claims of policemen coming under the provisions of this Act, and the decision of the members of the board shall be final and there shall be no appeal therefrom. The board may meet at any time upon the call of the chairman, or upon the call of any three members if the chairman neglects or refuses to call a meeting. Two days written notice of the time and purpose of a meeting to determine the claims of policemen shall be given, but the failure to give such notice shall not invalidate the proceedings at any such meeting, provided all members of the board are present. Two days oral notice of the time of meeting shall be sufficient as to meetings held for any other purpose. The board shall select one of its members to be chairman and shall also designate someone, who need not be a member of the board, to act as secretary at its meetings, and it shall be his duty to give notice of all meetings. A majority of the members of the board shall constitute a quorum at any meeting except meetings to determine contested claims of policemen, in which event the three members not connected with the Police Department shall constitute a quorum. In any meeting a majority of those present shall decide any matter coming before a meeting, but any member of the board who is employed in the Police Department shall be disqualified from voting in the determination of his own claim for compensation. All claims for policemen for benefits under this Act shall

be made in writing and shall state the nature of the claim and the relief demanded. All claims shall be filed with the chairman of the Board of Examiners within sixty days from the arising date of the claim. Failure to so present a written claim within said sixty days, or acceptance of a refund of one-half of all money deducted from his salary which went into said Pension Fund shall operate as a bar to the consideration and payment of said claim. Provided, that the time for presenting any claims which arose prior to the enactment of this Section shall be extended to a date sixty days from said date.

As a condition prerequisite to the payment of benefits for disability under this Act the Board of Examiners may require the claimant: (1) To submit to any medical examinations by physicians the board may select which the board may consider advisable; (2) to produce for inspection any records pertaining to the income or financial status of the claimant; (3) to answer such inquiries as the board may make into the financial status or income or physical condition of the claimant. The failure of the claimant to comply with these conditions shall operate as a bar to the payment of benefits hereunder so long as such noncompliance continues.

Sec. 8. The custodian of the said Pension Fund shall be required to give bond with an indemnity company authorized to do business in the State of North Carolina, as surety, in a sum equal to the maximum amount calculated and expected to be in his possession as such custodian at any time within the fiscal year for which the bond is given; the condition of said bond shall be that said custodian shall faithfully keep, preserve, spend as herein provided, and account for all funds and property coming into his hands as such custodian; and the premium on such bond shall be paid by the City of High Point.

Sec. 9. The said custodian of said Pension Fund is authorized and directed to invest all moneys coming into his possession belonging to such Pension Fund, except as much as the Board of Examiners shall from time to time decide is reasonably necessary for the prompt payment of claims and expenses, in such securities as the Board of Examiners may select: Provided, however, that such securities shall be limited to and upon the same conditions as those enumerated in Section 159, subsection 25 of the General Statutes of North Carolina of 1943, as amended. The Board of Examiners is authorized to pay out of this Pension Fund all expenses incurred in connection with the administration of this Act, including reasonable fees of an attorney employed by the Police Department to assist in having this Act amended from time to time, or to represent the Police Department in connection with any contests claim for benefits under this Act.

Sec. 10. This Act is not intended to deprive the full-time paid members of the Police Department of the City of High Point of the right to also come under the provisions of any amendment to "An Act to Provide Old Age Security for Old and Incapacitated Teachers, and State Employees, to Provide for the Creation of a Retirement Fund through joint contributions of employers and employees, and to provide Machinery for the Proper Administration of this Law", which will permit cities at their own expense

to participate in said retirement system, provided the City of High Point shall come under the amendment to said Act.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 638 CHAPTER 497

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE, AND TO FURTHER EXTEND THE CITY LIMITS OF SAID CITY OF MONROE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 641, Session Laws of 1949, wherein the corporate limit lines of the City of Monroe are defined under Section 3 of said Act, is hereby amended so as to include within the perimeter boundaries of said City of Monroe the following additional properties:

(a) Beginning at an iron stake on the West side of Maurice Ave., the present city limits corner, and also the property corner of Love Carter and C. C. Sikes, and runs thence with the West side of Maurice Street due South 1280.7 feet to a stake, C. C. Sikes' corner; thence with four of C. C. Sikes' property lines, as follows: South 72 degrees 30 minutes West 120 feet, South 23 degrees 15 minutes West 594 feet, South 32 degrees 15 minutes West 404.5 feet, South 45 degrees 45 minutes West 172 feet to a stake, a new corner located on the West side of State Highway #207; thence North along the West side of Highway #207 to the present city limits corner located on the West side of Highway #207.

(b) Beginning at a point located at the intersection of Still Branch and Elizabeth Walters' property line, also a new corner in the present city limits line, and runs thence with Elizabeth Walters' property line South 16 degrees 50 minutes West 350 feet to M. H. Huntley's corner and Elizabeth Walters' corner; thence with Huntley & Walters' property lines North 35 degrees 40 minutes West 1560 feet to Dr. Paul Helms' southeast corner; thence with Dr. Paul Helms' and Huntley's lines South 54 degrees 45 minutes West 228 feet to an iron stake, Paul Helms' southwest corner; thence with another property line of Paul Helms North 35 degrees 15 minutes West (passing Helms' corner at 250 feet) 293.5 feet to a stake, a new corner, located in the northern right of way of Highway #200 and Stewart Park property line; thence with said highway right of way line South 54 degrees 15 minutes West 800 feet to an iron stake in the southwest corner of Stewart Park property located on Elizabeth Brewer's property corner, and runs thence with Elizabeth Brewer's property North 14 degrees 40 minutes West 1161 feet to a stake, a new corner, located on the northern edge of a 20-foot alley; thence with the North side of said alley North 54 degrees 15 minutes East to the present city limits boundary.

Sec. 2. That on and from the effective date of this Act all persons and property located within the areas described in Section 1 of this Act and to be annexed under the provisions of this Act shall be subject to all of the ordinances and provisions of the Charter of the City of Monroe as contained in existing law and constituting said Charter; and all persons residing within the boundaries of the said property above described and to be annexed to the City of Monroe under this Act shall be entitled to the same rights and privileges now exercised by the citizens of the City of Monroe; and the provisions of all valid existing ordinances of the City of Monroe are hereby extended to all of the area set forth in Section 1 of this Act; provided, nevertheless, no ad valorem taxes shall be levied or assessed for the tax year 1955 against any property included in the properties to be annexed to the City of Monroe by virtue of this Act and as set forth in Section 1 hereof; nor shall any poll tax be levied for the year 1955, by the governing body of the City of Monroe against persons residing in said area, or areas described in Section 1 of this Act.

Sec. 3. On and after the effective date of this Act all persons residing in the newly incorporated areas annexed by this Act and otherwise qualified to register and vote shall be entitled to register and vote in the 1955 municipal primary and election conducted by the City of Monroe for the purpose of electing a Mayor and Board of Aldermen for the City of Monroe; but such persons shall be required to conform to all of the laws and ordinances applicable to such primary and election and the conduct thereof.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 656 CHAPTER 498

AN ACT TO PROVIDE FOR THE PAYMENT OF FUNDS OF THE FIREMAN'S RELIEF FUND TO MUNICIPALITIES HAVING VOLUNTEER FIRE DEPARTMENTS COMPOSED ENTIRELY OF COLORED FIREMEN.

The General Assembly of North Carolina do enact:

Section 1. In all cases in which a municipality has a colored volunteer fire department with or without a fire chief of the white race, the attendance of an accredited delegate from said fire department at the regular annual meeting of the colored State Fireman's Association shall be deemed a compliance with G. S. 118-10, and, in this respect, shall be a sufficient compliance with said Section to entitle such municipality to receive, for the use and benefit of the local Board of Trustees of the Fireman's Local Relief Fund, its proportionate part of the funds disbursed under the provisions of Chapter 118 of the General Statutes, if otherwise eligible.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 662 CHAPTER 499

AN ACT AUTHORIZING THE CITY OF ROCKY MOUNT TO SELL AT PRIVATE SALE CERTAIN LAND THAT IS NOT NEEDED FOR MUNICIPAL PURPOSES.

WHEREAS, the City of Rocky Mount is the owner of a tract of land in Nash County, North Carolina, containing approximately seventy-five acres, bounded on the East by the right of way of the main line of the Atlantic Coast Line Railroad Company, on the South by Tar River, on the West by U. S. Highway #301, and on the North by N. C. Highway No. 95, that is not needed for municipal purposes; and

WHEREAS, the land is ideally adaptable for use by industrial plants and the public interest will be promoted by selling the said property as sites for industrial plants and thereby increase the taxable value of the property and such sales can be more advantageously effected through private sales than through public sales: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the City of Rocky Mount, in the exercise of its discretion, be, and it is, hereby authorized to sell privately any or all of that certain tract of land containing approximately seventy-five acres, described in the preamble hereof, for such consideration as the members of the governing body considers its fair market value and that the mayor and city clerk, when authorized by the board of aldermen so to do, are empowered to execute valid deed or deeds therefor upon receipt of the purchase price.

Sec. 2. To facilitate the sale of the property the governing body is hereby authorized and empowered to execute options to prospective purchasers for a period of not exceeding four months.

Sec. 3. No sale of property shall be had nor shall any option to purchase be given until notice thereof shall have been given to the public, as herein provided, and after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Such notice shall state (1) the intention of the board of aldermen to consummate a sale or to execute an option to purchase; (2) a brief description of the property or properties; (3) the proposed selling price or prices; (4) the time and place of the public hearing; (5) that any citizen or taxpayer objecting to the proposed sale or the execution of the option to purchase or to the proposed selling price or prices may present his objection at the public hearing. The said notice shall be published once a week for two successive weeks in a newspaper published in the City of Rocky Mount, the first publication to be at least ten days before the public hearing. Should the board wish to renew an option to purchase for an additional

period, not exceeding four months, notice of the intent to renew the option shall be given and a public hearing had thereon, as herein provided for the giving of the original option.

Sec. 4. Sections 2 and 59 of Chapter 160 of the General Statutes of North Carolina to the extent that they conflict with this Act are hereby repealed and all other laws or clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 683 CHAPTER 500

AN ACT TO INCREASE THE TRAVEL ALLOWANCE FOR JURORS IN GATES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In Gates County, all jurors in the Superior Court shall receive a travel allowance of seven cents (7c) per mile for each trip to and from their respective residences for attendance upon court, such mileage to be figured over the usual route of public travel.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 684 CHAPTER 501

AN ACT TO AMEND CHAPTER 29 OF THE SESSION LAWS OF 1943 SO AS TO INCREASE THE TRAVEL ALLOWANCE OF COUNTY OFFICIALS IN GATES COUNTY TO SEVEN CENTS PER MILE.

The General Assembly of North Carolina do enact:

Section 1. (a) Section 1 of Chapter 29 of the Session Laws of 1943 is hereby amended by striking out in line five of said Section the words, figure and symbols "five cents (5c)" and by inserting in lieu thereof the words, figure and symbols "seven cents (7c)".

(b) Section 2 of Chapter 29 of the Session Laws of 1943 is hereby amended by striking out in line five of said Section the words, figure and symbols "five cents (5c)" and by inserting in lieu thereof the words, figure and symbols "seven cents (7c)".

(c) Section 3 of Chapter 29 of the Session Laws of 1943 is hereby amended by striking out in lines three and five of said Section the words, figures and symbols "five cents (5c)" and by inserting in lieu thereof the words, figures and symbols "seven cents (7c)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 707 CHAPTER 502

AN ACT TO PROVIDE FOR THE INVESTMENT OF SURPLUS FUNDS OF THE TOWN OF ROXBORO.

The General Assembly of North Carolina do enact:

Section 1. On or after July 1, 1955, the Board of Commissioners of the Town of Roxboro is authorized to direct its appropriate fiscal agent to place the surplus funds of the town on time deposit at interest in some bank or trust company designated by the Board of Town Commissioners or to invest all or any portion of such surplus funds, upon approval by the board, in either bonds, notes, or certificates of indebtedness of the United States of America; or in bonds or notes of an agency or instrumentality of the United States of America, the payment of principal and interest of which is guaranteed by the United States of America; or in bonds or notes of the State of North Carolina; or in shares of any building and loan association organized and licensed under the laws of the State, or in shares of any Federal savings and loan association organized under the laws of the United States with its principal office in this State, to the extent that such investment is insured by the Federal Savings and Loan Insurance Corporation.

When the United States Government securities hereinbefore mentioned are purchased and sold in New York City, New York, or in Richmond, Virginia, or in Charlotte, North Carolina, and it is not deemed practical to actually transport any or all such securities from the cities hereinbefore mentioned to Roxboro, North Carolina, and from Roxboro, North Carolina, to any of the cities hereinbefore mentioned upon the purchase or sale of such securities, the fiscal agent of the Town of Roxboro, upon authority of the board of town commissioners, is hereby authorized to name a bank or banks with which such securities may be left in a safekeeping account whether in the name of the Town of Roxboro or in the name of a bank or trust company designated by the board of town commissioners, and designated by the board of town commissioners as a bank which may hold such securities in its customer's account with a bank in any of the three cities hereinbefore mentioned likewise designated by the board of town commissioners. No security shall be required for the protection of security or investments thus held for safekeeping. No officer or employee of the Town of Roxboro including the officer or employees having charge or custody of the funds of said town, or the surety or sureties on any official bond shall be liable for any losses sustained when United States securities and investments are deposited or left with any bank or banks in the manner hereinabove authorized.

Prior to June 30, 1955, the fiscal agent of the Town of Roxboro, with the approval of the governing board, is authorized to make such deposits of surplus funds or to make such investments as hereinbefore set out and in the manner hereinbefore described.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 728 CHAPTER 503

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND THE CITY OF GREENSBORO TO CONTRACT BETWEEN THEMSELVES FOR THE CONSTRUCTION AND MAINTENANCE OF WATER AND SANITARY SEWER LINES AND OTHER WATER AND SANITARY SEWER FACILITIES AND FOR THE FURNISHING OF WATER AND OF SANITARY SEWER SERVICES FOR SCHOOL BUILDINGS WITHIN THE GREENSBORO CITY ADMINISTRATIVE UNIT.

WHEREAS, the Greensboro City Administrative Unit extends in several directions beyond the corporate limits of the City of Greensboro; and

WHEREAS, in order to provide necessary school facilities, The Board of Trustees of the Greensboro City Administrative Unit is now engaged, and will hereafter be engaged, in the construction of school buildings in the Greensboro City Administrative Unit, some of which will be within and some outside of the corporate limits of the City of Greensboro; and

WHEREAS, The Board of Trustees of the Greensboro City Administrative Unit may find it necessary or advisable to arrange for the construction and maintenance of water and sanitary sewer facilities, and for the furnishing of water and of sanitary sewer services, for one or more of such school buildings; and

WHEREAS, the most convenient and economical method of arranging for the construction and maintenance of such water and sanitary sewer facilities and for the furnishing of such water and of such sanitary sewer services may be by contract between The Board of Trustees of the Greensboro City Administrative Unit and the City of Greensboro: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Trustees of the Greensboro City Administrative Unit and the City of Greensboro are hereby authorized and empowered to enter into one or more contracts between themselves, upon such terms and conditions as they may deem advisable, for any one or more of the following: (1) The construction and maintenance of water lines and other water facilities, (2) the construction and maintenance of sanitary sewer lines and other sanitary sewer facilities, (3) the furnishing of water,

(4) the furnishing of sanitary sewer services for any school building or buildings within the Greensboro City Administrative Unit, either within or outside of the corporate limits of the City of Greensboro.

Sec. 2. Any such contract or contracts may provide for the payment by The Board of Trustees of the Greensboro City Administrative Unit to the City of Greensboro of any part or all of the costs of any such construction and maintenance and for the refund by the City of Greensboro to The Board of Trustees of the Greensboro City Administrative Unit of any part of all or any amount so paid for any such construction or maintenance.

Sec. 3. Any such contracts may provide for the payment by The Board of Trustees of the Greensboro City Administrative Unit to the City of Greensboro for water or for sanitary sewer services, or both, furnished any school building at such price or prices and upon such terms and conditions as may be mutually agreed upon.

Sec. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1955.

H. B. 156 CHAPTER 504

AN ACT TO AMEND G. S. 113-111 RELATING TO THE KILLING OF FOXES IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-111 is hereby amended by adding the following at the end thereof:

"Provided, however, that the Board of County Commissioners of Pamlico County is hereby authorized and empowered to regulate the hunting, taking and killing of foxes, in any legal manner as provided under G. S. 113-104, in Pamlico County and the board may declare open or closed season on all foxes when the board finds from time to time that the supply of foxes justifies such open or closed season. Provided, further, that in Pamlico County foxes may be killed in any manner at any time when discovered in the act of committing or about to commit depredation to domestic livestock or poultry."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 188 **CHAPTER 505**

AN ACT TO CREATE THE BOARD OF TRUSTEES OF THE NORTH CAROLINA STATE LIBRARY, TO PROVIDE FOR THE GOVERNMENT OF THE STATE LIBRARY AND THE LIBRARY COMMISSION FOR THE FISCAL YEAR 1955-56, TO PROVIDE FOR THE MERGER OF THE STATE LIBRARY AND THE LIBRARY COMMISSION IN ONE LIBRARY UNDER THE BOARD OF TRUSTEES ON JULY 1, 1956, AND TO PROVIDE FOR THE ORGANIZATION AND ADMINISTRATION OF SUCH LIBRARY.

The General Assembly of North Carolina do enact:

Section 1. Board of Trustees. (a) Creation; membership; terms. There is hereby created the Board of Trustees of the North Carolina State Library, to be composed of eight persons, six persons appointed by the Governor for six-year overlapping terms and the Superintendent of Public Instruction and the Librarian of the University of North Carolina, ex officio. All appointed members of the board shall be appointed for terms beginning July 1, 1955. Two members shall be appointed to serve for terms of two years each, two members shall be appointed for terms of four years each, and two members shall be appointed for terms of six years each. Upon the expiration of their respective terms, the successors of such members shall be appointed for terms of six years each thereafter. All members appointed to the board shall serve for the duration of their respective terms and until their successors are appointed and qualified. Any vacancy occurring in the membership of the board because of death, resignation or otherwise shall be filled by the Governor for the unexpired term of the member causing such vacancy.

(b) Powers of ex officio members. The Superintendent of Public Instruction and the Librarian of the University of North Carolina shall have all the privileges, rights, powers and duties held by appointive members under the provisions of this Act.

(c) Compensation. The members of the Board of Trustees shall serve without salary, but they shall be allowed their actual expenses when attending to their official duties, to be paid out of funds appropriated for the maintenance of the State Library and Library Commission.

(d) First meeting; organization; meetings. Within thirty days after its appointment, the Board of Trustees of the North Carolina State Library shall meet on call of the Governor. The board shall elect from its appointive members a chairman and such other officers as it may choose, for such terms as it may designate in its rules and regulations. The Board of Trustees shall meet regularly, and at least once every quarter, at places and dates to be determined by the board. Special meetings may be called by the chairman on his own initiative and must be called by him at the request of two or more members of the board. All members shall be notified by the chairman in writing of the time and place of regular and special meetings at least seven days in advance of such meeting, except that meetings may be held on shorter notice if all members of the board shall agree.

Four members shall constitute a quorum. The chairman may appoint members to such committees as the work of the board may require. The board may request personnel of the State Library and of the Library Commission to provide secretarial assistance in keeping an accurate and complete record of all meetings.

(e) Powers and Duties. The Board of Trustees shall have the power and duty to adopt rules and regulations for its own government and for the conduct of any of the functions assigned to the board under Section 2 of this Act.

Sec. 2. On July 1, 1955, the powers and duties granted to the Board of Trustees of the State and Document Libraries under the provisions of Articles 1 and 2 of Chapter 125 of the General Statutes and the powers and duties granted to the North Carolina Library Commission under the provisions of Article 3 of Chapter 125 of the General Statutes shall be vested in the Board of Trustees of the North Carolina State Library established by Section 1 of this Act. It is the intent of this Act that the Board of Trustees of the North Carolina State Library, as established by this Act, shall act as the governing board for each of the agencies provided for in Articles 1, 2 and 3 of Chapter 125 of the General Statutes from July 1, 1955, until June 30, 1956, and that on July 1, 1956, these three agencies shall be merged and consolidated into the North Carolina State Library as established in Section 3 of this Act. This consolidation shall take place pursuant to plans approved by the Board of Trustees of the Library.

Sec. 3. Effective July 1, 1956, Chapter 125 of the General Statutes of North Carolina, entitled "Libraries" is amended by rewriting the entire Chapter to read as follows:

CHAPTER 125
LIBRARIES
ARTICLE 1. STATE LIBRARY

"Section 125-1. Name. The library agency of the State of North Carolina shall be the North Carolina State Library.

"Section 125-2. Powers and Duties of the Library. The North Carolina State Library shall have the following powers and duties:

(1) To adopt a seal for use in official business.

(2) To make to the Governor a biennial report of its activities and needs, including recommendations for improving its services to the State, to be transmitted by the Governor to the General Assembly.

(3) To accept gifts, bequests and endowments for the purposes which fall within the general legal powers and duties of the State Library. Unless otherwise specified by the donor or legator, the Library may either expend both the principal and interest of any gift or bequest or may invest such sums in whole or in part, by and with the consent of the State Treasurer, in securities in which sinking funds may be invested under the provisions of G. S. 142-34.

(4) To purchase and maintain a general collection of books, periodicals, newspapers, maps, films and audio-visual materials, and other materials for the use of the people of the State as a means for the general

promotion of knowledge within the State. The scope of the Library's collections shall be determined by the Board of Trustees on the recommendation of the State Librarian, and, in making these decisions, the Board of Trustees and Librarian shall take into account the book collections of public libraries and college and university libraries throughout the State and the availability of such collections to the general public. All materials owned by the State Library shall be available for free circulation to public libraries and to all citizens of the State under rules and regulations fixed by the Librarian and approved by the Board of Trustees, except that the Librarian, with the approval of the board, may restrict the circulation of books and other materials which, because they are rare or are used intensively in the Library for reference purposes or for other good reasons, should be retained in the Library at all times.

(5) To give assistance, advice and counsel to other State agencies maintaining special reference collections as to the best means of establishing and administering such libraries and collections, and to establish in the State Library a union catalogue of all books, pamphlets and other materials owned and used for reference purposes by all other State agencies in Raleigh and of all books, pamphlets and other materials maintained by public libraries in the State which are of interest to the people of the whole State. Where practical, the State Library may maintain a union catalogue of a part or all of the book collections in the Supreme Court Library, the North Carolina State College Library, and other libraries in the State for the use and convenience of patrons of the State Library.

(6) To fix reasonable penalties for damage to or failure to return any book, periodical or other material owned by the Library, or for violation of any rule or regulation concerning the use of books, periodicals, and other materials in the custody of the Library.

(7) To maintain at least two sets of the laws and journals of the General Assembly for the use of members of the General Assembly while in session. Before each session of the General Assembly the Librarian shall have these and other requested materials moved into the Senate and House chambers for the use of members of the General Assembly.

(8) To give assistance, advice and counsel to all libraries in the State, to all communities which may propose to establish libraries, and to all persons interested in public libraries, as to the best means of establishing and administering such libraries, as to the selection of books, cataloguing, maintenance and other details of library management.

"Section 125-3. Board of Trustees. (a) Creation; membership; terms. The North Carolina State Library shall be governed by a Board of Trustees composed of eight persons, six members appointed by the Governor for six-year overlapping terms and the Superintendent of Public Instruction and the Librarian of the University of North Carolina, ex officio. All appointments shall be for six-year terms following the expiration of the terms of the original members of the board appointed effective July 1, 1955, two of whom were appointed for two-year terms, two for four-year terms, and two for six-year terms. All members appointed to the board shall serve for the duration of their respective terms and until their suc-

cessors are appointed and qualified. Any vacancy occurring in the membership of the board because of death, resignation or otherwise shall be filled by the Governor for the unexpired term of the member causing such vacancy.

(b) Powers of ex officio members. The Superintendent of Public Instruction and the Librarian of the University of North Carolina shall have all the privileges, rights, powers and duties held by appointive members under the provisions of this Chapter.

(c) Compensation. The members of the Board of Trustees shall serve without salary, but they shall be allowed their actual expenses when attending to their official duties, to be paid out of funds appropriated for the maintenance of the State Library.

(d) First meeting; organization; meetings. The Board of Trustees shall elect from its appointive members a chairman and such other officers as it may choose, for such terms as it may designate in its rules and regulations. The board shall meet regularly, and at least once every quarter, at places and dates to be determined by the board. Special meetings may be called by the chairman on his own initiative and must be called by him at the request of two or more members of the board. All members shall be notified by the chairman in writing of the time and place of regular and special meetings at least seven days in advance of such meeting, except that meetings may be held on shorter notice if all members of the board shall agree. Four members shall constitute a quorum. The chairman may appoint members to such committees as the work of the board may require. The State Librarian shall serve as secretary to the board and shall keep an accurate and complete record of all meetings.

(e) Powers and Duties. The Board of Trustees shall be the governing body for the North Carolina State Library and shall have the power to adopt rules and regulations for its own government and for the conduct of any of the functions assigned to the Library under the provisions of this Chapter. The board shall fix the policies under which the Librarian and other employees of the Library shall carry out the duties imposed upon the Library.

"Section 125-4. Librarian. The Board of Trustees of the State Library shall appoint a State Librarian whose duty it shall be, under the supervision of the board, to direct and administer the work and activities of the library as defined by law. In choosing the State Librarian the board shall take into consideration the functions of the library and the experience required to administer such functions, and shall fix standard of professional library training and library administrative experience which the State Librarian must meet in order to assure competent administration of the library. These standards must be equal to those established for chief county librarians by the North Carolina Library Certification Board. The Librarian shall serve at a salary to be fixed by the Governor and approved by the Advisory Budget Commission. The board, after proper notice and hearing, may remove the Librarian from office for neglect of duty or any failure to perform his duties in accordance with the standards of performance deemed necessary by the board for effective administration of the library.

The Librarian may employ such other qualified persons as may be needed to perform the functions of the Library, subject to the provisions of the State Personnel Act.

"Section 125-5. Public Libraries to Report to State Library. Every public library in the State shall make an annual report to the State Library in such form as may be prescribed by the Board of Trustees. The term "Public Library" shall, for the purpose of this Section, include subscription libraries, college and university libraries, legal association, medical association, Supreme Court, and other special libraries.

"Section 125-6. Librarian's Seal. It shall be the duty of the Secretary of State to furnish the State Librarian with a seal of office. The State Librarian is authorized to certify to the authenticity and genuineness of any document, paper, or extract from any document, paper, or book or other writing which may be on file in the library. When a certificate is made under his hand and attested by his official seal, it shall be received as prima facie evidence of the correctness of the matter therein contained, and as such shall receive full faith and credit.

"Section 125-7. State Policy as to Public Library Service; Annual Appropriation Therefor; Administration of Funds.

(1) It is hereby declared the policy of the State to promote the establishment and development of public library service throughout all sections of the State.

(2) For promoting, aiding, and equalizing public library service in North Carolina a sum shall annually be appropriated out of the monies within the State Treasury to be known as the Aid to Public Libraries Fund.

(3) The fund herein provided shall be administered by the Board of Trustees of the North Carolina State Library, which board shall frame bylaws, rules and regulations for the allocation and administration of such funds. The funds shall be used to improve, stimulate, increase and equalize public library service to the people of the whole State, shall be used for no other purpose, except as herein provided, and shall be allocated among the counties in the State taking into consideration local needs, area and population to be served, local interest and such other factors as may affect the State program of public library service.

(4) For the necessary expenses of administration, allocation, and supervision, a sum not to exceed 7 per cent (7%) of the annual appropriation may annually be used by the North Carolina State Library.

(5) The fund appropriated under this Section shall be separate and apart from the appropriations of the North Carolina State Library, which appropriation shall not be affected by this Section or the appropriation hereunder.

(6) The powers herein granted shall be in addition to and not in subrogation of, or repeal of, any power or authority now or heretofore granted to the North Carolina State Library or the North Carolina Library Commission.

"Section 125-8. Library Authorized to Accept and Administer Funds from Federal Government and Other Agencies. The North Carolina State Library is hereby authorized and empowered to receive, accept and ad-

minister any money or monies appropriated or granted to it, separate and apart from the appropriation by the State for the North Carolina State Library, for providing and equalizing public library service in North Carolina:

(1) By the Federal Government and,

(2) By any other agencies, private and/or otherwise.

The fund herein provided for shall be administered by the Board of Trustees of the North Carolina State Library, which board shall frame bylaws, rules and regulations for the allocation and administration of this fund. This fund shall be used to increase, improve, stimulate and equalize library service to people of the whole State, and shall be used for no other purpose whatsoever except as hereinafter provided, and shall be allocated among the counties of the State, taking into consideration local needs, area and population to be served, local interests as evidenced by local appropriations, and such other factors as may affect the State program of library service. Any gift or grant from the Federal Government or other sources shall become a part of said funds, to be used as part of the State fund, or may be invested as the Board of Trustees of the State Library may deem advisable, according to provisions of G. S. 125-5 (5), the income to be used for the promotion of libraries as stated in this Section.

"Section 125-9. Library Certification Board. The State Librarian, the Dean of the School of Library Science of the University of North Carolina, the President of the North Carolina Library Association, and one librarian appointed by the Executive Board of the North Carolina Library Association shall constitute the Library Certification Board. Members of the board shall serve without pay. The board shall issue librarian's certificates to public librarians under such reasonable rules and regulations as it may adopt. A complete record of the transactions of the board shall be kept at all times in the office of the North Carolina State Library.

"Section 125-10. Temporary Certificates for Public Librarians. The provisions of G. S. 125-11 shall not affect any librarian who was acting as such librarian on May 4, 1933, and any person who was serving as a librarian on that date shall be entitled to receive a certificate in accordance with the position then held. Upon the submission of satisfactory evidence that no qualified librarian is available for appointment as chief librarian, and upon written application by the Library Board of Trustees for issuance of a temporary certificate to an unqualified person who is available for the position, a temporary certificate, valid for one year only, may be issued to such persons by the Library Certification Board.

"Section 125-11. Failure to Return Books. Any person who shall fail to return any book, periodical, or other material withdrawn by him from the Library shall be guilty of a misdemeanor punishable by a fine of not more than fifty dollars ($50.00) or imprisonment for not more than 30 days if he shall fail to return the borrowed material within 30 days after receiving a notice from the State Librarian that the material is overdue. The provisions of this Section shall not be in effect unless a copy of this Section is attached to the overdue notice by the State Librarian."

Sec. 4. Appropriations for North Carolina State Library. The appropriation for the operation and maintenance of the North Carolina State Library for the fiscal year 1956-57 shall be the combined appropriations for the State Library and the Library Commission approved by the 1955 General Assembly in the Biennial Appropriations Act. On or before June 1, 1956, the Board of Trustees of the Library shall submit to the Director of the Budget a recommended budget for the fiscal year 1956-57, and the Advisory Budget Commission shall have authority to approve requests made by the Board of Trustees which were not contained in the budget requests of the State Library or the Library Commission in 1955 so long as the total budget does not exceed the appropriation provided in this Section and the provisions of G. S. 143-30 and 143-31 notwithstanding.

Sec. 5. Personnel. All employees of the North Carolina Library Commission and of the North Carolina State Library as established prior to July 1, 1956, shall be given assignments in the North Carolina State Library, as established by this Act, subject to the provisions of Article 2, Chapter 143 of the General Statutes of North Carolina.

Sec. 6. Effective July 1, 1956, G. S. 147-45 is amended by deleting the North Carolina Library Commission from the list of agencies to whom copies of Session Laws, Senate and House Journals and Supreme Court Reports are distributed. G. S. 147-45 is further amended by increasing the number of Session Laws to be distributed to the North Carolina State Library from 20 to 22, and by increasing the number of House and Senate Journals to be distributed to the North Carolina State Library from 20 to 22.

Sec. 7. Effective July 1, 1956, G. S. 147-50 is amended by adding the following agency to those listed in lines 6 through 12 as being entitled to receive, on request, copies of any printed report, bulletin, map or other publication issued by any State department, institution or agency:

North Carolina State Library—5 copies.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed, including G. S. 125-18 and 125-19 and the first sentence of G. S. 125-2.

Sec. 9. Except as otherwise provided in this Act, this Act shall be in full force and effect on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 265 CHAPTER 506

AN ACT TO AMEND CHAPTER 492 OF THE SESSION LAWS OF 1951.

The General Assembly of North Carolina do enact:

Section 1. Chapter 492 of the Session Laws of 1951 is hereby amended by rewriting the first sentence of Section 1 thereof so as to read as follows:

"Section 1. It shall be unlawful for any person, firm or corporation to set, or cause to be set, any steel trap usually used for the purpose of catch-

ing game and wild animals in Columbus County during the period from the first day of March through the first day of January of each year."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 432 CHAPTER 507

AN ACT TO REPEAL CHAPTER 686 OF THE SESSION LAWS OF 1953 RELATING TO FISHING AND USING MOTOR BOATS IN CERTAIN PARTS OF WACCAMAW RIVER.

The General Assembly of North Carolina do enact:

Section 1. Chapter 686 of the Session Laws of 1953 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 537 CHAPTER 508

AN ACT AMENDING G. S. 113-111 SO AS TO ADD THE COUNTIES OF MADISON AND YANCEY TO THE COUNTIES IN WHICH THERE IS NO CLOSED SEASON FOR FOX HUNTING.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 113-111, as the same appears in the 1953 Supplement to Volume 3A of the General Statutes, be and the same is hereby amended by adding the word "Yancey" after the word "Watauga" in the fourth line thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 2½. Nothing in this Act shall be construed as authorizing the use of a snare.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 593 **CHAPTER 509**

AN ACT TO PROHIBIT THE HUNTING OF DEER IN ROBESON COUNTY AND IN CERTAIN PORTIONS OF BLADEN AND COLUMBUS COUNTIES UNTIL JANUARY 1, 1960.

The General Assembly of North Carolina do enact:

Section 1. From and after the effective date of this Act and until the first day of January, 1960, it shall be unlawful to hunt, pursue, take or attempt to take any deer in any manner or at any time in Robeson County or in any of that portion of the Counties of Bladen and Columbus which lies West and North of a line described as follows: Beginning at the intersection of the northern boundary of Bladen County and N. C. Highway No. 87 and running thence southward along said highway to the Town of Tar Heel; thence southward along N. C. Highway No. 131 to Bladenboro; thence southward along N. C. Highway No. 410 to Chadbourn; thence westward along U. S. Highway No. 76 to the South Carolina state line.

Sec. 2. After January 1, 1960, no deer shall be taken in Robeson County or those portions of the Counties of Bladen and Columbus described in the preceding Section, except at such times and by such means as may be permitted by the North Carolina Game Law.

Sec. 3. Any person violating any provision of this Act shall be guilty of a misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 603 **CHAPTER 510**

AN ACT TO AUTHORIZE THE TOWN OF ROXBORO TO EXTEND ITS WATER AND SEWER LINES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Roxboro is hereby authorized to construct or reconstruct such water and sewer lines outside the corporate limits of said town as it may deem fit, to furnish water and sewer services to industries outside the city limits of the Town of Roxboro, and to make such charges for said services as said governing body may deem reasonable.

Sec. 2. Said governing body is hereby authorized and empowered to acquire, by purchase or gift, existing water and sewer lines located outside of the corporate limits of said town.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 640 CHAPTER 511

AN ACT TO AUTHORIZE THE DISTRIBUTION OF PROFITS FROM ALCOHOLIC BEVERAGES CONTROL STORES IN BERTIE COUNTY TO THE BERTIE COUNTY MEMORIAL HOSPITAL.

The General Assembly of North Carolina do enact:

Section 1. Upon the request of the Board of County Commissioners of Bertie County the Bertie County Board of Alcoholic Control is authorized and directed to pay to the Bertie County Memorial Hospital a sum not exceeding ten thousand dollars ($10,000.00) for and during each fiscal year, commencing with the fiscal year beginning on the first day of July, 1955. Such request by the Board of County Commissioners may be made by its resolution at any time during any fiscal year for the sum of ten thousand dollars ($10,000.00) or such part thereof as said Board of Commissioners, in its sole and final discretion, shall deem necessary and proper. The failure of the Board of Commissioners to request the ten thousand dollars ($10,000.00) or any part thereof for any particular fiscal year shall not affect its right to make such a request for any subsequent year.

Sec. 2. This ten thousand dollars ($10,000.00), or so much thereof as shall be requested from year to year, shall be allocated and paid from the net profits made by or derived from any or all Alcoholic Beverages Control Stores located in Bertie County after all of the costs of operating the stores shall have been paid, after the State tax and all law enforcement funds shall have been allocated, and after there shall have been allocated and paid the five per centum (5%) of the net profits from each store to the municipality in which that store is located, as provided in Chapter 486 of the 1949 Session Laws of North Carolina. The balance of net profits then remaining from the operation of said stores shall be paid over by the Bertie County Board of Alcoholic Control to the Bertie County Board of Commissioners to be added to the General Fund of the County. Provided, that any appropriations made by the Board of County Commissioners for any fiscal year to the General Fund or other fund or agency of Bertie County shall not thereafter be reduced by a subsequent request for the payment of funds to the hospital during that fiscal year.

Sec. 3. The Bertie County Board of Alcoholic Control shall make quarterly or monthly settlements with the Bertie County Memorial Hospital during that part of the fiscal year which may remain after the request of the Board of County Commissioners shall have been received.

Sec. 4. The Board of Trustees of the Bertie County Memorial Hospital shall place the money thus received in the General Fund of the hospital and shall use the same in such manner as the trustees shall deem proper in the maintenance and operation of the hospital.

Sec. 5. The authority hereby conferred upon the Board of County Commissioners of Bertie County shall be in addition to all other legal authority now vested in said board by existing law.

Sec. 6. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after the first day of July, 1955.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 663 CHAPTER 512

AN ACT TO CREATE A TAX EQUALIZATION BOARD FOR MADISON COUNTY AND TO CONFER CERTAIN POWERS ON SAID BOARD.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a Tax Equalization Board for Madison County, to be known as the Madison County Tax Equalization Board. Said board shall consist of three members whose terms shall commence immediately after the ratification of this Act and the terms shall be for four years. Said board shall hold its first meeting as soon as practicable after the ratification of this Act and shall organize by electing one of its members to serve as chairman of the board and one to serve as secretary of the board. The following persons are hereby appointed to said board: Nat Blankenship, Route 2, Mars Hill, N. C.; B. K. Meadows, Route 1, Hot Springs, N. C.; and F. E. Freeman, Marshall, N. C. These three persons shall serve for four years and until their successors are elected and qualified. Their successors shall be appointed by the General Assembly of 1959, but any vacancy in the board arising by reason of death, resignation, refusal to serve, or for any other reason shall be filled by appointment by the remaining members of said Tax Equalization Board.

Sec. 2. The Madison County Tax Equalization Board created by this Act shall have and exercise in and for Madison County all the powers and duties imposed upon the Madison County Board of Equalization and Review and all of the powers of the Madison County Board of County Commissioners with respect to the valuation or revaluation of real and personal property for ad valorem property taxation in Madison County, and all such powers heretofore conferred upon the Board of County Commissioners or the Board of Equalization and Review of Madison County are hereby transferred to the Madison County Tax Equalization Board created by this Act and all of said powers shall be exercised by said Tax Equalization Board.

Sec. 3. The board herein created is hereby authorized to cause a revaluation of all property in Madison County for ad valorem tax purposes to be had and to become effective with respect to taxes levied for the year 1956. Said board shall immediately after the ratification of this Act commence the performance of its duties in order to accomplish the pur-

poses of this Act. Said board is authorized and empowered to employ competent assistants to accomplish the purpose of revaluation and equalizing the valuations of the property in Madison County for ad valorem tax purposes. To that end said board is empowered to employ three taxpayers from each election precinct, on a temporary basis, to assist in equalizing the valuations in their respective precincts. Each such precinct assistant shall be paid such sum as the Tax Equalization Board may deem wise, not to exceed five dollars ($5.00) per day. Each such precinct assistant shall be employed for not more than five days during 1955 and not more than one day during each succeeding calendar year.

The members of the board herein provided for shall be paid ten dollars ($10.00) per diem each while engaged in the performance of their duties pursuant to this Act and shall be reimbursed for travel expense at the rate of seven cents (7c) per mile.

Sec. 4. Said board shall on or about January 1st of each year secure a statement from each taxpayer in any mercantile business in Madison County setting forth in detail the inventory of goods of such person engaged in any mercantile business. The chairman of the board herein provided for is authorized to administer oaths and the inventory statement above referred to shall be submitted under oath.

Sec. 5. The Tax Equalization Board herein provided for shall have free access to all county tax books, tax lists and any and all other records relating to taxes which said board finds will be helpful in performing its duties pursuant to this Act.

Sec. 6. The board herein provided for shall in addition to the powers and duties above enumerated have and exercise and perform all the powers and duties of the Board of County Commissioners with respect to the valuation of property or the equalizing of values for tax purposes which the Board of County Commissioners have under the general law.

Sec. 7. The precinct assistants herein provided for shall work and perform their duties under the supervision of the chairman of the Tax Equalization Board.

Sec. 8. The Board of County Commissioners is hereby authorized and directed to appropriate from the general fund of the county such sum or sums as may be necessary to carry out the purposes of this Act.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 685 **CHAPTER 513**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF COLUMBUS COUNTY TO APPOINT AN ASSISTANT JUDGE OF THE COLUMBUS COUNTY RECORDER'S COURT AND TO FIX HIS SALARY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Columbus County is hereby authorized to appoint an Assistant Judge of the Recorder's Court of Columbus County, who shall serve at the pleasure of such board and shall be paid out of General County Funds, such salary as the Board of County Commissioners of Columbus County may deem commensurate with his services. The assistant judge so appointed shall have power and authority to hold court and perform all other judicial functions, at such times as the regular judge is, for any reason, unavailable, as fully in all respects as such regular judge could hold such court or exercise such functions.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 686 **CHAPTER 514**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF COLUMBUS COUNTY TO FIX THE SICK LEAVE AND VACATION LEAVE, WITH PAY, OF THE JUDGE OF THE RECORDER'S COURT OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Columbus County, in its discretion, is hereby authorized and empowered to provide and fix the sick leave, with pay, and vacation leave, with pay, for the regular Judge of Recorder's Court of Columbus County. If, however, the regular Judge of Recorder's Court of Columbus County is absent from his duties for a greater length of time than that authorized by the Board of Commissioners pursuant to the authority of this Section, then in such event the Board of Commissioners are hereby authorized and empowered to make a deduction from the salary of the recorder for such additional absence.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 704 **CHAPTER 515**

AN ACT TO PROVIDE FOR AN ELECTION TO BE HELD IN THE CITY OF ROCKY MOUNT TO DETERMINE WHETHER CHAPTER 209 OF THE PRIVATE LAWS OF 1907, AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT, SHALL BE FURTHER AMENDED INSOFAR AS IT PERTAINS TO THE NUMBER AND ELECTION OF THE MEMBERS OF THE CITY COUNCIL AND THE MAYOR OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

Section 1. At the regular municipal election to be held in the City of Rocky Mount on the first Monday in May, 1955, there shall be submitted to the qualified voters of the city four propositions relating to the governing body of the city, three of which will provide for amending the City Charter, the said four propositions being as follows:

Proposition No. 1.—That Chapter 209 of the Private Laws of 1907 entitled "An Act to Revise and Consolidate the Charter of the Town of Rocky Mount to be hereafter known as the City of Rocky Mount" as amended, be and the same is hereby further amended by striking out Sections 4, 5 and 6 and inserting in lieu thereof the following:

"Sec. 4. CORPORATE POWERS VESTED IN MAYOR AND CITY COUNCIL. All corporate powers and authority granted to said city shall be vested in and exercised by a mayor and city council. The city council shall consist of seven members. The mayor and councilmen shall be elected at large by all the qualified voters of said city. Any person desiring to become a candidate for mayor or councilman shall, at least fifteen (15) days prior to the election, file with the city clerk a written notice of such candidacy and no person shall be eligible as a candidate unless this provision is complied with.

"Sec. 5. ELECTIONS. Nonpartisan municipal elections shall be held in the City of Rocky Mount on the first Monday in May of each year.

"At the regular municipal election on the first Monday of May, 1956, there shall be elected a mayor and seven councilmen for the City of Rocky Mount who shall be residents of the city and shall hold their office until their successors are elected and qualified.

"The mayor shall be elected for a two-year term. The three councilmen declared elected and receiving respectively the highest number of votes in said election shall serve for a period of two years and until their successors have been duly elected and qualified; and the remaining four councilmen declared elected shall serve for a period of one year and until their successors have been duly elected and qualified.

"At the regular municipal election to be held on the first Monday in May, 1957, and biennially thereafter, there shall be elected four councilmen of the city, who shall be residents of the city, and shall serve for a two-year term and until their successors are elected and qualified.

"At the regular municipal election to be held on the first Monday in May, 1958, and biennially thereafter, there shall be elected a mayor and

three councilmen, who shall be residents of the city, and shall serve for a two-year term and until their successors are elected and qualified.

"No candidate shall be declared elected at the election to be held on the first Monday in May of any year until he receives a majority of the votes cast for the office for which he has filed his candidacy.

"Sec. 6. RUNOFF ELECTIONS. At said elections the candidates receiving the majority of the votes cast for the respective offices shall be declared elected. If the number of candidates receiving a majority of the votes cast is less than the offices to be filled then a second election shall be held on the second Monday in May, one week after the first election. Only the two candidates for mayor receiving the highest number of votes in the first election shall be eligible as candidates for the office of mayor in the second election. The number of candidates for the office of councilmen in the second election shall be not more than twice the number of offices remaining to be filled. That number of candidates receiving the highest number of votes in the first election shall be eligible as candidates in the second election. The candidates receiving the highest number of votes for the respective offices in the second election shall be declared elected for such vacancies on the city council as then exist."

Proposition No. 2.—That Chapter 209 of the Private Laws of 1907 entitled "An Act to Revise and Consolidate the Charter of the Town of Rocky Mount to be hereafter known as the City of Rocky Mount", as amended, shall be and the same is hereby further amended by striking out Sections 4, 5 and 6 and inserting in lieu thereof the following:

"Sec. 4. CORPORATE POWERS VESTED IN MAYOR AND CITY COUNCIL. All corporate powers and authority granted to said city shall be vested in and exercised by a mayor and city council. Said city council shall consist of seven (7) members, one from each of the seven (7) wards. No person shall be eligible for the office of mayor who is not, at the time of his election, a bona fide resident and duly qualified voter of said city; and no person shall be eligible for the office of councilman who is not, at the time of his election, a bona fide resident and duly qualified voter of the ward from which he shall be elected. The mayor and councilmen shall be elected at large by all the qualified voters of said city. Any person desiring to become a candidate for mayor or councilman shall, at least fifteen (15) days prior to the election, file with the city clerk a written notice of such candidacy and no person shall be eligible as a candidate unless this provision is complied with.

"Sec. 5. ELECTIONS. Nonpartisan municipal elections shall be held in the City of Rocky Mount on the first Monday in May of each year.

"At the regular municipal election on the first Monday of May, 1956, there shall be elected a mayor and seven (7) councilmen for the City of Rocky Mount.

"The mayor shall be elected for a two-year term. The councilmen elected from the Second, Fourth and Sixth Wards shall serve for a period of two years and until their successors shall have been duly elected and

qualified. The councilmen elected from the First, Third, Fifth and Seventh Wards shall serve for a period of one year and until their successors have been duly elected and qualified.

"At the regular municipal election to be held on the first Monday in May, 1957, and biennially thereafter, there shall be elected one councilman from the First, Third, Fifth and Seventh Wards respectively who shall serve for a term of two years and until their successors are elected and qualified.

"At the regular municipal election to be held on the first Monday in May, 1958, and biennially thereafter, there shall be elected a mayor and one councilman from the Second, Fourth and Sixth Wards respectively who shall serve for a two-year term and until their successors are elected and qualified.

"No candidate shall be declared elected at the election to be held on the first Monday in May of any year unless he receives a majority of the votes cast for the office for which he has filed his candidacy.

"Sec. 6. RUNOFF ELECTIONS. At said elections the candidates receiving the majority of the votes cast for the respective offices shall be declared elected. If no candidate receives a majority of the votes so cast a second election shall be held on the second Monday in May, one week after the first election. Only the two candidates receiving the highest number of votes for their respective offices in the election held on the first Monday in May of any year shall be eligible as candidates for the respective offices in the second election."

Proposition No. 3.—That Chapter 209 of the Private Laws of 1907 entitled "An Act to Revise and Consolidate the Charter of the Town of Rocky Mount to be hereafter known as the City of Rocky Mount", as amended, be and the same is hereby further amended by striking out Sections 4, 5 and 6 and inserting in lieu thereof the following:

"Sec. 4. CORPORATE POWERS VESTED IN MAYOR AND CITY COUNCIL. All corporate powers and authority granted to said city shall be vested in and exercised by a mayor and city council. Said city council shall consist of seven (7) members, one from each of the seven (7) wards. No person shall be eligible for the office of mayor who is not, at the time of his election, a bona fide resident and duly qualified voter of said city; and no person shall be eligible for the office of councilman who is not, at the time of his election, a bona fide resident and duly qualified voter of the ward from which he shall be elected. The mayor shall be elected at large by all the qualified voters of the city and the councilmen shall be elected by the qualified voters of the respective wards. Any person desiring to become a candidate for mayor or councilman shall, at least fifteen (15) days prior to the election, file with the city clerk a written notice of such candidacy and no person shall be eligible as a candidate unless this provision is complied with.

"Sec. 5. ELECTIONS. Nonpartisan municipal elections shall be held in the City of Rocky Mount on the first Monday in May of each year.

"At the regular municipal election on the first Monday in May, 1956, there shall be elected a mayor and seven (7) councilmen for the City of Rocky Mount.

"The mayor shall be elected for a two-year term. The councilmen elected from the Second, Fourth and Sixth Wards shall serve for a period of two years and until their successors have been duly elected and qualified. The councilmen elected from the First, Third, Fifth and Seventh Wards shall serve for a period of one year and until their successors have been duly elected and qualified.

"At the regular municipal election to be held on the first Monday in May, 1957, and biennially thereafter, there shall be elected by the qualified voters of the respective wards one councilman from each of the First, Third, Fifth and Seventh Wards who shall serve for two-year terms and until their successors are elected and qualified.

"At the regular municipal election to be held on the first Monday in May, 1958, and biennially thereafter, there shall be elected by the qualified voters of the city a mayor, and by the qualified voters of the respective wards one councilman from the Second, Fourth and Sixth Wards who shall serve for two-year terms and until their successors are elected and qualified.

No candidate shall be declared elected at the election to be held on the first Monday in May of any year unless he receives a majority of the votes cast for the office for which he has filed his candidacy.

"Sec. 6. RUNOFF ELECTIONS. At said elections the candidates receiving the majority of the votes cast for the respective offices shall be declared elected. If no candidate receives a majority of the votes so cast, a second election shall be held on the second Monday in May, one week after the first election. Only the two candidates receiving the highest number of votes for the respective offices in the first election shall be eligible as candidates for the respective offices in the second election."

Proposition No. 4.—That the City Charter shall not be amended and the present form of government shall be retained with a mayor elected at large and two (2) aldermen from the First, Second, Third, Fourth, Sixth and Seventh Wards respectively, and one alderman from the Fifth Ward, elected by the qualified voters of the respective wards.

Sec. 2. There shall be printed on the ballots to be voted in the election to be held on the first Monday in May, 1955, the following, with appropriate instructions to the voters, to wit:

☐ PROPOSITION NO. 1. For amending the Charter of the City of Rocky Mount to provide for the election of the mayor and seven (7) councilmen by all the qualified voters of the entire city.

☐ PROPOSITION NO. 2 For amending the Charter of the City of Rocky Mount to provide for the election of the mayor by all of the qualified voters of the entire city, and the election of one (1) councilman from each of the seven (7) wards by all the qualified voters of the entire city.

☐ PROPOSITION NO. 3. For amending the Charter of the City of Rocky Mount to provide for the election of a mayor by all the qualified voters of the entire city and the election of one (1) councilman from each of the seven (7) wards by the qualified voters of the respective wards.

☐ PROPOSITION NO. 4. For the retention of the present Charter provisions with the mayor elected by all the qualified voters of the entire

city, and two (2) aldermen from the First, Second, Third, Fourth, Sixth and Seventh Wards, and one (1) alderman from the Fifth Ward elected by the qualified voters of the respective wards.

Sec. 3. The board of canvassers of the said election shall judicially determine the result of the referendum and shall certify the result thereof to the board of aldermen and if it appears from such certification that none of the propositions received a majority of the votes so cast a second election shall be held on the second Monday in May, one week after the first election, with the same registrars and judges of election at the same polling places and with the same registration books, unless the board of aldermen shall otherwise direct. At that election there shall be submitted to the qualified voters of the city at large the two propositions receiving the highest number of votes at the election held on the first Monday in May, 1955, and the two propositions receiving the lowest number of votes shall be eliminated from the ballot. The board of canvassers shall again judicially determine the result of the second referendum and shall certify the result thereof to the board of aldermen.

Sec. 4. If it appears from the certification of either the first or second election that either Proposition No. 1, 2 or 3 was approved by a majority vote, the City Charter shall be amended in accordance therewith and the said amendment shall become effective on April 1, 1956, and shall remain in full force and effect thereafter; provided, however, that all corporate powers and authority granted to the said city shall remain vested in and be exercised by the mayor and the then board of aldermen consisting of thirteen (13) members until the mayor and councilmen elected at either the first or second election of May, 1956, have duly qualified. After the mayor and councilmen elected at said election shall have duly qualified the terms of office of all aldermen shall terminate and the powers and authority heretofore given the Mayor and the Board of Aldermen of the City of Rocky Mount by any legislative Act shall thereafter be vested in and exercised by the Mayor and City Council of the City of Rocky Mount; and wherever the words "Board of Aldermen" appear in the City Charter the same shall be stricken out and the words "City Council" substituted therefor; and wherever the words "Alderman" or "Aldermen" appear they shall be stricken out and the words "Councilman" or "Councilmen" substituted therefor.

If it appears from the certification of the board of canvassers that a majority of the votes at said election were cast in favor of Proposition No. 4, the present provisions of the City Charter and all legislative Acts relating to the powers and authority of the mayor and board of aldermen shall remain in full force and effect.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 714 **CHAPTER 516**

AN ACT TO AMEND CHAPTER 108 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1941 RELATING TO THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 1 of Chapter 108 of the Public-Local and Private Laws of 1941 is amended by striking therefrom the words and figures "twenty-five hundred & 00/100 ($2,500.00) dollars," wherever the same appears therein, and substituting in lieu thereof the words "ten thousand dollars," so that the commission may appropriate, contract or expend ten thousand dollars ($10,000.00) instead of twenty-five hundred dollars ($2500.00) without the prior approval of the city council.

Sec. 2. The quoted portion of Section 2 of Chapter 108 of the Public-Local and Private Laws of 1941 is amended by striking out in line 2 of said quoted portion the word "ten" and substituting in lieu thereof the word "twenty".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 724 **CHAPTER 517**

AN ACT TO AMEND G. S. 160-249 RELATING TO SEWERAGE CHARGES AND PENALTIES IN MOREHEAD CITY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-249 is amended by adding a new paragraph at the end thereof to read as follows:

"The municipality of Morehead City is granted the right in any contract made with a public utility for the furnishing of water to customers who use the municipal sewerage system, to provide that in case of the refusal or failure to pay the established charges for the use of the municipal sewerage system by the said users thereof, who are also users of water furnished by the utility company, that to enforce payment of the sewerage charges, the said utility company shall discontinue or cut off the service of water to the customer, in the same manner and to the same extent as for the non-payment of the water bill to the utility company; and any such contract now in force between the municipality of Morehead City and the Carolina Water Company, Inc., providing for the discontinuance of water service for the non-payment of the sewerage charges due the Town of Morehead City, is hereby ratified and confirmed."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 739 CHAPTER 518

AN ACT TO PROVIDE FOR ADDITIONAL REGULAR MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF RUTHERFORD COUNTY, TO AUTHORIZE SAID BOARD TO PROVIDE UNIFORMS FOR THE COUNTY JAILOR AND ASSISTANT JAILORS AND TO AMEND CHAPTER 289 OF THE PUBLIC LOCAL AND PRIVATE LAWS OF 1941 RELATING TO THE ENFORCEMENT OF CRIMINAL LAWS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to the regular meetings required to be held by the Board of County Commissioners of Rutherford County, the said board shall hold an additional, regular meeting on the third Tuesday after the first Monday in each month.

Sec. 2. The Board of County Commissioners of Rutherford County is authorized to purchase and furnish suitable uniforms for the jailor and assistant jailors of said county.

Sec. 3. The last sentence of Section 13 of Chapter 289 of the Public-Local and Private Laws of 1941 is amended by striking out, in lines 4 and 5, the words and figures "sum not to exceed one thousand dollars ($1,000.00)", and substituting in lieu thereof the words "a sufficient sum".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

H. B. 740 CHAPTER 519

AN ACT TO AUTHORIZE THE GOVERNING BOARD OF THE TOWN OF FOREST CITY TO DESIGNATE ONE OR MORE MEMBERS OF THE FIRE DEPARTMENT WHO SHALL HAVE AUTHORITY TO ISSUE WARRANTS.

The General Assembly of North Carolina do enact:

Section 1. The governing board of the Town of Forest City, in Rutherford County, is authorized to designate one or more members of the Forest City Fire Department who shall have power to issue arrest warrants for the apprehension of person or persons charged with any criminal offense and search warrants for the search of places or things located within the County of Rutherford. Such person or persons so designated by said board shall be full-time paid employees of the Forest City Fire

Department who have been assigned additional duties as police radio station operators.

Sec. 2. All laws governing the issuance of warrants by Justices of the Peace in North Carolina are applicable to the person or persons above designated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1955.

S. B. 219 CHAPTER 520

AN ACT TO AMEND CHAPTER 81, ARTICLE 8, OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE HANDLING, STORING, AND DISTRIBUTION OF LIQUID FERTILIZER.

The General Assembly of North Carolina do enact:

Section 1. Amend Chapter 81, Article 8, of the General Statutes of North Carolina by repealing, rewriting, and re-enacting same so as to read as follows:

"Sec. 81-73. Purpose.—The purpose of this Article shall be to provide for the safe handling, storage, distribution and application of liquid fertilizer, and for the protection of the producer, distributor, and consumer as to the quality and quantity of same. (1953,c. 1198.)

"Sec. 81-74. Definitions.—The term "liquid fertilizer" as used herein shall be construed as being a nonsolid commercial fertilizer as commercial fertilizer is defined in Sec. 50.3 (g), Article 2, Chapter 106 of the General Statutes known as the North Carolina Fertilizer Law.

"The term 'retailer' shall be construed as being any person, firm, or corporation who sells or delivers liquid fertilizer to the consumer.

"The term 'wholesaler' shall be construed as being any person, firm, or corporation who sells to any other person, firm, or corporation for the purpose of resale, and who also may sell to a consumer.

"The term 'distributor' shall be construed as being any person, firm, or corporation who offers for sale or sells, handles, stores, or distributes liquid fertilizers.

"The term 'contractor' shall be construed as being any person, firm, corporation, wholesaler, retailer, distributor, or any other person except the consumer, who, for hire or reward, applies liquid fertilizers to the soil of a consumer.

"The term 'consumer' shall be construed as being any person, firm or corporation who benefits, or expects to benefit, from the results of the application of liquid fertilizers to soil owned, leased, or rented by said person, firm, or corporation, however, a consumer may apply a neighbor's liquid fertilizer to the soil owned, leased, or rented by said neighbor, if and when such an act does not involve the sale of any liquid fertilizer.

"The term 'sale' shall be construed as meaning the transfer of custody.

"The term 'safe' shall be construed to mean that the handling, storing, and distribution of liquid fertilizer conforms to the minimum standards included in the Rules and Regulations adopted by the Board of Agriculture.

"The term 'handling' shall be construed as including any and all operations involved in the transferring of liquid fertilizers.

"The term 'storage' shall be construed as being the confinement of liquid fertilizers.

"The term 'distribution' shall be construed as one or more acts involved in transporting the product from one premise to another.

"The term 'application' shall be construed as being the act of applying liquid fertilizer to the soil of a consumer.

"The term 'quantity' shall be construed to mean volume, or amount, expressed in U. S. Standard avoirdupoise pounds.

"The term 'quality' shall be construed to mean grade as defined in Chapter 106, Article 2, Sec. 50.3 (h) of the General Statutes.

"Sec. 81-75. Method of Sale.—When liquid fertilizer is offered for sale or sold in this State, the method of transfer of custody shall be by weight expressed in pounds, and shall be invoiced in such a manner as to show the name of the seller, the name of the purchaser, the date of sale, the quality or grade, and the net weight; provided, however, that liquid fertilizer may be measured in gallons of two hundred and thirty-one (231) cubic inches and its equivalent expressed in pounds, with a formula for converting from gallons to pounds shown on the invoice.

"Sec. 81-76. Method of Delivery.—Each and every delivery of liquid fertilizer to any person, firm, or corporation in this State, regardless of name of product or trade name, shall be accompanied with a copy of the invoice or tag showing the name of the seller or distributor, the name of the purchaser or receiver, date of delivery, the quality or grade, and the net quantity delivered expressed in pounds.

"Sec. 81-77. Registration.—Any person, firm or corporation desiring to engage in the business of handling, storing, or distributing of liquid fertilizer in this State, shall, be registered by the North Carolina Department of Agriculture. The application for registration shall be submitted in duplicate to the Commissioner on forms furnished by the Commissioner of Agriculture. Any person, firm, or corporation desiring to become a contractor as defined in Sec. 81-74 hereof, before engaging in such a business, shall register and re-register each year during the month of January thereafter, as hereinabove stipulated, and in addition thereto shall obtain what shall be known as a contractor's certificate, which certificate may be revoked for violation of any provision of this Article, or any rule or regulation adopted by the Board of Agriculture.

"Sec. 81-78. Approval of Storage and Handling Equipment.—Before any wholesale or retail liquid fertilizer distributing plant shall be built in this State, a general layout of such plant shall be submitted in duplicate and approved by the Commissioner of Agriculture. In order that such a layout may be approved it must conform to the minimum standards and

rules and regulations, relating to safe handling, storage, distribution and/or application adopted by the Board of Agriculture. All storage tanks, transfer or transport containers, applicator containers, and attached equipment shall conform to the minimum standards adopted by the Board of Agriculture. It shall be the duty of the contractor referred to in this Article to obtain, maintain and operate in accordance with the minimum standards and rules and regulations adopted by the Board of Agriculture, any and all equipment which he may use in the application of liquid fertilizer. It shall be the duty of the Commissioner of Agriculture to inspect and ascertain whether or not the provisions of this Section are complied with.

"Sec. 81-79. Administrative Authority.—The provisions of this Article shall be administered by the Commissioner of Agriculture. It shall be the duty of the Commissioner of Agriculture, his agent or representative, to inspect, test, try and ascertain whether or not the provisions of this Article have been or are being complied with. The Commissioner of Agriculture, his agent, or representative, shall, for the purpose above mentioned and in the general performance of his duty, have the right to enter or go upon, without formal warrant, any place, building or premises where liquid fertilizers are being handled, stored, applied, offered for sale or sold. Any handling, storing, weighing or measuring device, which is found to be inconsistent with the purposes of this Article, or which does not conform to the rules and regulations adopted by the Board of Agriculture, shall be condemned and so tagged. When a device, as hereinabove described, is condemned, the owner shall either make same to conform to the minimum standards, and the rules and regulations, adopted by the Board of Agriculture, or obtain a release from the Department of Agriculture. In either event, the person or persons who perfect such conformance or who obtain release may remove said condemnation tag, fill in the required information, and mail same to the North Carolina Department of Agriculture, Raleigh, North Carolina. Completion of this procedure shall constitute a legal removal of condemnation tag.

"Sec. 81-80. Unlawful Acts and Omissions.—It shall be unlawful for any person, firm, or corporation to violate any provision of this Article or any rule or regulation made by the Board of Agriculture as provided for by this Article. It shall be unlawful for any person, firm, or corporation to offer for sale, sell, or deliver into this State any handling, storing, weighing or measuring device or equipment which does not conform to the minimum standard, rules and regulations adopted by the Board of Agriculture. It shall be unlawful for any person, firm, or corporation to issue a sales ticket or invoice bearing a false statement as to the quality or quantity of product sold. It shall be unlawful for any person, firm, or corporation to impersonate or to act in capacity of a contractor without being registered and having a contractor's certificate.

"Sec. 81-81. Authority of Board of Agriculture.—The Board of Agriculture is hereby authorized, empowered and instructed, after a public hearing, to make such rules and regulations as may be necessary in order to carry out the purpose of this Article, and no municipality or other political

subdivision of this State shall have the authority to adopt rules and regulations other than those adopted by the Board of Agriculture.

"Sec. 81-82. Penalty.—Any person, who by himself, his servant, or agent, or as a servant or agent of any other person, firm, or corporation, violates any provision of this Article or any rule or regulation promulgated in accordance with the provisions of this Article, or who misrepresents the quantity or quality of any product offered for sale, sold or delivered, or who illegally removes a condemnation tag from a condemned device, or who dispenses anhydrous ammonia or other pressurized liquid fertilizer into an unauthorized tank or container, shall be guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction shall be punished by a fine of not less than fifty dollars ($50.00) and not more than five hundred dollars ($500.00), or by imprisonment for not more than twelve months, or by both such fine and imprisonment. A second conviction by any court of competent jurisdiction shall be punished by a fine of not less than one hundred dollars ($100.00), or not more than one thousand dollars ($1000.00), or imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in the discretion of the court. (1953, c. 1198)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 259 CHAPTER 521

AN ACT TO AMEND G. S. 28-187 RELATING TO THE APPOINTMENT OF A PROCESS AGENT FOR A NONRESIDENT GUARDIAN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-187 is hereby amended by striking out the words "or guardian" as the same appear in line 1 of said Section, and by striking the comma after the word "annexed" in line 5 of said Section and inserting a period in lieu thereof, and by striking the following in line 5 thereof "or a new guardian, as the case may be."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 277 CHAPTER 522

AN ACT AMENDING G. S. 7-134 AND CHAPTER 1173 OF THE SESSION LAWS OF 1953 RELATING TO FEES OF JUSTICES OF THE PEACE IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-134 is hereby amended by adding at the end thereof the following:

"Provided, that in Washington County a justice of the peace shall be entitled to a fee of fifty cents ($.50) for each defendant for the issuance of warrants in criminal cases."

Sec. 2. Sections 2, 3, and 4 of Chapter 1173 of the Session Laws of 1953 are hereby repealed.

Sec. 3. Justices of the peace in Washington County shall receive the fees prescribed in the second paragraph of G. S. 7-134.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effective on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 283 CHAPTER 523

AN ACT TO AMEND G. S. 106-442 RELATING TO THE TRANSFER OF NEGOTIABLE WAREHOUSE RECEIPTS.

The General Assembly of North Carolina do enact:

Section 1. The last sentence of G. S. 106-442 is rewritten to read as follows:

"The said official negotiable receipt carries absolute title to the cotton or other agricultural commodity, and it is the duty of the local manager accepting same for storage to satisfy himself that the depositor has good title to the same."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 287 CHAPTER 524

AN ACT TO PROVIDE A METHOD FOR DETERMINING PROPERTY VALUATIONS FOR TOWN AD VALOREM TAX PURPOSES IN THE TOWN OF PLYMOUTH IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In order to equalize the valuation of taxable property within the Town of Plymouth in Washington County, the governing board of said

town is hereby authorized to reassess and revalue all taxable property within said town for the purposes of ad valorem taxation. In carrying out such reassessment and revaluation, the governing board shall be governed by the provisions of subchapter II of Chapter 105 of the General Statutes and the governing board of the town shall perform the duties and functions of the board of county commissioners as set out in said subchapter II of Chapter 105 of the General Statutes. The town clerk or any other person designated by the town board shall perform the duties of tax supervisor and shall have all the powers, duties and authority given to tax supervisors by subchapter II of Chapter 105 of the General Statutes. The governing board of the town shall act as a board of equalization and review in the same manner and with the same powers and duties as a county board of equalization and review, and appeals may be taken from the governing board of the town sitting as a board of equalization and review in the same manner as appeals are taken from county boards of equalization and review.

The reassessment and revaluation herein authorized may be made as of January 1, 1955, or in any regular quadrennial reassessment year as fixed by Section 300 of the Machinery Act, being Chapter 310 of the Public Laws of 1939, as amended.

Notwithstanding the provisions of this Act, the governing board of the Town of Plymouth may continue to obtain the town tax lists from the county records without securing lists signed by the taxpayers and may continue to accept the valuation fixed by the county authorities as provided in Section 105-333 of the General Statutes; Provided, the governing board may determine whether real property in said town shall be revalued by horizontal increases or reduction of valuation fixed by the county authorities or by actual appraisal thereof, or both. In the event the governing board shall assess or reassess and revalue the taxable property of such town such valuations shall be applicable to ad valorem taxation of such town only.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 291 CHAPTER 525

AN ACT TO AMEND THE WORKMEN'S COMPENSATION LAWS OF NORTH CAROLINA RELATING TO ASBESTOSIS AND SILICOSIS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 97-54 is hereby amended by rewriting the Section to read as follows:

"G. S. 97-54: The terms 'disablement' as used in this Article as applied to cases of asbestosis and silicosis means the event of becoming actually incapacitated because of asbestosis or silicosis to earn, in the same or any

other employment, the wages which the employee was receiving at the time of his last injurious exposure to asbestosis or silicosis; but in all other cases of occupational disease 'disablement' shall be equivalent to 'disability' as defined in G. S. 97-2 (i)."

Sec. 2. G. S. 97-61 is hereby amended by rewriting the Section to read as follows:

"G. S. 97-61.1: When an employee and the Industrial Commission are advised by the State Board of Health that an employee has asbestosis or silicosis, the employer shall be notified by the Industrial Commission, and the employee, when ordered by the Industrial Commission, shall go to a place designated by the Industrial Commission and submit to x-rays and a physical examination by the Advisory Medical Commission, at least one of whom shall conduct the examination, and the member or members of the Advisory Medical Committee conducting the examination shall forward the x-rays and findings to the member or members of the committee not present for the physical examination. The employer shall pay the expenses connected with the examination in such amounts as shall be directed by the Industrial Commission. Within thirty days after the completion of the examination, the Advisory Medical Committee shall make a written report signed by all of its members setting forth:

(a) The x-rays and clinical procedures used by the committee in arriving at its findings.

(b) Whether or not the claimant has contracted asbestosis or silicosis.

(c) The committee's opinion expressed in percentages of the impairment of the employee's ability to perform normal labor in the same or any other employment.

(d) Any other matter deemed pertinent by the committee.

When a competent physician certifies to the Industrial Commission that the employee's physical condition is such that his movement to the place of examination ordered by the Industrial Commission as herein provided in Sections 97-61.1, 61.3 and 61.4 would be harmful or injurious to the health of the employee, the Industrial Commission shall cause the examination of the employee to be made by the Advisory Medical Committee as herein provided at some place in the vicinity of the residence of the employee suitable for the purposes of making such examination.

"G. S. 97-61.2: The Advisory Medical Committee shall file its report in triplicate with the Industrial Commission, which shall send one copy thereof to the claimant and one copy thereof to the employer by registered mail. Unless within thirty days from receipt of the copy of said report the claimant and employer, or either of them, shall request the Industrial Commission in writing to set the case for hearing for the purpose of examining and cross-examining the members of the Advisory Medical Committee respecting the report of said committee, and for the purpose of introducing additional testimony, said report shall become a part of the record of the case and shall be accepted by the Industrial Commission as expert medical testimony to be considered as such and in connection with all the evidence in the case in arriving at its decision.

"G. S. 97-61.3: As soon as practicable after the expiration of one year following the initial examination by the Advisory Medical Committee and when ordered by the Industrial Commission, the employee shall again appear before the Advisory Medical Committee, at least one of whom shall conduct the examination, and the member or members of the Advisory Medical Committee conducting the examination shall forward the x-rays and findings to the member or members of the committee not present for the physical examination. Within thirty days after the completion of the examination, the Advisory Medical Committee shall make a written report to the Industrial Commission signed by all of its members, setting forth any change since the first report in the employee's condition which is due to asbestosis or silicosis, said report to be filed in triplicate with the Industrial Commission, which shall send one copy thereof to the claimant, and one copy to the employer by registered mail. The claimant and employer, or either of them, shall have the right only at the final hearing provided for in 97-61.4 to examine or cross-examine the members of the Advisory Medical Committee respecting the second report of the committee.

"G. S. 97-61.4: As soon as practicable after the expiration of two years from the first examination and when ordered by the Industrial Commission, the employee shall appear before the Advisory Medical Committee, or at least two of them, for final x-rays and physical examination. Upon completion of this examination and within thirty days, the Advisory Medical Committee shall make a written report setting forth:

(a) The x-rays and clinical procedures used by the Committee.

(b) To what extent, if any, has the damage to the employee's lungs due to asbestosis or silicosis changed since the first examination.

(c) The opinion of the committee, expressed in percentages, with respect to the extent of impairment of the employee's ability to earn in the same or any other employment the wages which the employee was receiving at the time of his last injurious exposure to asbestosis or silicosis.

(d) Any other matter deemed pertinent by the committee.

Said report shall be filed in triplicate with the Industrial Commission which shall send one copy thereof to the claimant and one copy to the employer by registered mail.

"G. S. 97-61.5: (a) After the employer and employee have received notice of the first committee report, the Industrial Commission, unless it has already approved an agreement between the employer and employee, shall set the matter for hearing at a time and place to be decided by it, to hear any controverted questions, determine if and to whom liability attaches, and where appropriate, file a written opinion with its findings of fact and conclusions of law and cause its award to be issued thereon, all of which shall be subject to modification as provided in G. S. 97-61.6.

"(b) If the Industrial Commission finds at the first hearing that the employee has either asbestosis or silicosis, it shall by order remove the employee from any occupation which exposes him to the hazards of asbestosis or silicosis, and if the employee thereafter engages in any occupation which exposes him to the hazards of asbestosis or silicosis without having obtained the written approval of the Industrial Commission as pro-

vided in G. S. 97-61.7, neither he, his dependents, personal representative nor any other person shall be entitled to any compensation for disablement or death resulting from asbestosis or silicosis; provided, that if the employee is removed from the industry the employer shall pay or cause to be paid as in this subsection provided to the employee affected by such asbestosis or silicosis a weekly compensation equal to 60% of his average weekly wages before removal from the industry, but not more than thirty dollars ($30.00) or less than eight dollars ($8.00) a week, which compensation shall continue for a period of 104 weeks. Payments made under this subsection shall be credited on the amounts payable under any final award in the cause entered under 97-61.6.

"G. S. 97-61.6: After receipt by the employer and employee of the Advisory Medical Committee's third report, the Industrial Commission, unless it has approved an agreement between the employee and employer, shall set a final hearing in the cause, at which it shall receive all competent evidence bearing on the cause, and shall make a final disposition of the case, determining what compensation, if any, the employee is entitled to receive in addition to the 104 weeks already received.

Where the incapacity for work resulting from asbestosis or silicosis is found to be total, the employer shall pay, or cause to be paid, to the injured employee during such total disability a weekly compensation equal to sixty per centum (60%) of his average weekly wages, but not more than thirty dollars ($30.00), nor less than eight dollars ($8.00), a week; and in no case shall the period covered by such compensation be greater than 400 weeks, nor shall the total amount of all compensation exceed eight thousand dollars ($8,000.00).

When the incapacity for work resulting from asbestosis or silicosis is partial, the employer shall pay, or cause to be paid, to the affected employee, a weekly compensation equal to sixty per centum (60%) of the difference between his average weekly wages at the time of his last injurious exposure, and the average weekly wages which he is able to earn thereafter, but not more than thirty dollars ($30.00) a week, and provided that the total compensation so paid shall not exceed a period of 196 weeks, in addition to the 104 weeks for which the employee has already been compensated.

Provided, however, should death result from asbestosis or silicosis within two years from the date of last exposure, or should death result within 350 weeks from the date of last exposure and while the employee is entitled to compensation for disablement due to asbestosis or silicosis, either partial or total, then in either of these events, the employer shall pay, or cause to be paid, by one of the methods set forth in G. S. 97-38 a total compensation which, when added to the payments already made for partial or total disability to time of death, shall not exceed eight thousand dollars ($8,000.00) including burial expenses.

"G. S. 97-61.7: An employee who has been compensated under the terms of G. S. 97-61.5(b) as an alternative to forced change of occupation, may, subject to the approval of the Industrial Commission, waive in writing his right to further compensation for any aggravation of his condition that

may result from his continuing in an occupation exposing him to the hazards of asbestosis or silicosis, in which case payment of all compensation awarded previous to the date of the waiver as approved by the Industrial Commission shall bar any further claims by the employee, or anyone claiming through him, provided, that in the event of total disablement or death as a result of asbestosis or silicosis with which the employee was so affected, compensation shall nevertheless be payable, but in no case, whether for disability or death or both, for a longer period than 100 weeks in addition to the 104 weeks already paid. Such written waiver must be filed with the Industrial Commission, and the commission shall keep a record of each waiver, which record shall be open to the inspection of any interested person."

Sec. 3. G. S. 97-66 is hereby amended by rewriting the entire Section to read as follows:

"G. S. 97-66: Where compensation payments have been made and discontinued, and further compensation is claimed, whether for disablement, disability or death from lead poisoning, the claim for further compensation shall be made within two years after the last payment, but in all other cases of occupational disease claims for further compensation shall be made within one year after the last payment, provided, that claims for further compensation for asbestosis or silicosis shall be governed by the final award as set forth in 97-61.6."

Sec. 4. G. S. 97-68 is hereby amended by rewriting the entire Section to read as follows:

"G. S. 97-68: The Industrial Commission may at its discretion refer to the Advisory Medical Committee controverted medical questions arising out of occupational disease claims other than asbestosis or silicosis."

Sec. 5. G. S. 97-69 is amended by adding the following sentence at the end thereof:

"Provided that this Section shall not apply to a living employee who has contracted asbestosis or silicosis."

Sec. 6. G. S. 97-58(a) is hereby amended by rewriting it to read as follows:

"G. S. 97-58(a): Except as otherwise provided in G. S. 97-61.6, an employer shall not be liable for any compensation for asbestosis or silicosis or lead poisoning unless disablement or death results within two years after the last exposure to such disease, or, in case of death, unless death follows continuous disablement from such disease, commencing within the period of two years limited herein, and for which compensation has been paid or awarded or timely claim made as hereinafter provided and results within seven years after such last exposure in the case of lead poisoning, or 350 weeks in the case of asbestosis or silicosis."

Sec. 7. G. S. 97-72 is hereby amended by striking out in line 13 thereof the figures "97-68" and inserting in lieu thereof the following: "97-61, and 97-68".

Sec. 8. G. S. 97-73 is hereby amended by inserting a comma after "97-60" and inserting the figures "97-61" following the inserted comma and before the word "and" as it appears in line three of the Statute.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April 1955.

S. B. 294 CHAPTER 526

AN ACT TO AMEND CHAPTER 84 OF THE GENERAL STATUTES RELATING TO THE PRACTICE OF LAW.

The General Assembly of North Carolina do enact:

Section 1. Article 1 of Chapter 84, Section 4 (G. S. 84-4, Volume 2-C) of the General Statutes be and same is hereby amended by rewriting said Section to read as follows:

"84-4. PERSONS OTHER THAN MEMBERS OF STATE BAR PROHIBITED FROM PRACTICING LAW: It shall be unlawful for any person or association of persons, except members of the Bar of the State of North Carolina admitted and licensed to practice as attorneys at law, to appear as attorney or counselor at law in any action or proceeding in any court in this State or before any judicial body or the North Carolina Industrial Commission, Utilities Commission, or the Employment Security Commission; to maintain, conduct, or defend the same, except in his own behalf as a party thereto; or, by word, sign, letter, or advertisement, to hold out himself, or themselves, as competent or qualified to give legal advice or counsel, or to prepare legal documents, or as being engaged in advising or counseling in law or acting as attorney or counselor at law, or in furnishing the services of a lawyer or lawyers; and it shall be unlawful for any person or association of persons except members of the Bar, for or without a fee or consideration, to give legal advice or counsel, perform for or furnish to another legal services, or to prepare directly or through another for another person, firm or corporation, any will or testamentary disposition, or instrument of trust, or to organize corporations or prepare for another person, firm or corporation, any other legal document. Provided, that nothing herein shall prohibit any person from drawing a will for another in an emergency wherein the imminence of death leaves insufficient time to have the same drawn and its execution supervised by a licensed attorney at law. The provisions of this Section shall be in addition to and not in lieu of any other provisions of Chapter 84."

Sec. 2. Article 1 of Chapter 84, Section 5 (G. S. 84-5, Volume 2-C) of the General Statutes be and the same is hereby amended by rewriting said Section to read as follows:

"84-5. PROHIBITION AS TO PRACTICE OF LAW BY CORPORATION: It shall be unlawful for any corporation to practice law or appear as an attorney for any person in any court in this State, or before any judicial body or the North Carolina Industrial Commission, Utilities Commission, or the Employment Security Commission, or hold itself out to the

public or advertise as being entitled to practice law; and no corporation shall organize corporations, or draw agreements, or other legal documents, or draw wills, or practice law, or give legal advice, or hold itself out in any manner as being entitled to do any of the foregoing acts, by or through any person orally or by advertisement, letter or circular. The provisions of this Section shall be in addition to and not in lieu of any other provisions of Chapter 84. Provided, that nothing in this Section shall be construed to prohibit a banking corporation authorized and licensed to act in a fiduciary capacity from performing any clerical, accounting, financial or business acts required of it in the performance of its duties as a fiduciary or from performing ministerial and clerical acts in the preparation and filing of such tax returns as are so required, or from discussing the business and financial aspects of fiduciary relationships."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 330 CHAPTER 527

AN ACT TO AMEND G. S. 1-121 RELATING TO THE TIME WITHIN WHICH A SHERIFF SHALL SERVE A COMPLAINT AFTER THE TIME FOR FILING SUCH COMPLAINT HAS BEEN EXTENDED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-121 is hereby amended by striking out the word "ten" as the same appears in line 20 and inserting in lieu thereof the word "twenty".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 336 CHAPTER 528

AN ACT TO AUTHORIZE THE USE OF RED LIGHTS ON FRONT OF CERTAIN VEHICLES AND EQUIPMENT OF THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-130.1, as amended by Chapter 1032 of the Session Laws of 1947 and by Chapter 354 of the Session Laws of 1953, is hereby amended by changing the period following the word "Commission" at the end thereof to a comma and adding after said comma the following:

"or to maintenance or construction vehicles or equipment of the State Highway and Public Works Commission engaged in performing maintenance or construction work on the roads."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 353 CHAPTER 529

AN ACT TO PROVIDE FOR THE ELECTION OF A DEPUTY CLERK OF THE WILSON COUNTY RECORDER'S COURT AND TO PRESCRIBE HIS TERM OF OFFICE AND DUTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-200 is amended by adding at the end thereof the following:

"The governing body of the City of Wilson may elect one or more deputy clerks of the Recorder's Court who shall serve for the same term as the vice-recorder and vacancies in the office of any deputy clerk shall be filled in the same manner provided for filling vacancies of vice-recorder.

"The deputy clerk so elected shall have the same power as the clerk of the Recorder's Court to sign and issue any summons, warrants of arrest, and every other writ or process issued from a Recorder's Court or other court inferior to the Superior Court, except justices of the peace, and specifically including search warrants.

"Any such deputy clerk may perform any of the duties of the clerk of the Recorder's Court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 364 CHAPTER 530

AN ACT TO AMEND G. S. 14-269 RELATING TO THE DISPOSITION OF CONFISCATED PISTOLS AND GUNS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 14-269 is amended by adding at the end thereof the following:

"Any pistols or guns now held by the Clerk of the Superior Court of Wilson County and any pistol or guns which are hereafter confiscated and turned over to said clerk may be delivered to the Sheriff of Wilson County for the purpose of being destroyed or used by the sheriff or his deputies or officers of the City of Wilson in carrying out their law enforcement duties. The Clerk of the Superior Court before delivering such pistols or

guns to the sheriff or his deputies or officers of the City of Wilson shall secure a receipt from the officer or officers to whom such pistols or guns are delivered."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 365 CHAPTER 531

AN ACT TO FIX FEES IN WILSON COUNTY FOR THE SHERIFF AND TO PROVIDE FOR SERVICES BY COUNTY ATTORNEY.

The General Assembly of North Carolina do enact:

Section 1. Fees and commissions charged for services rendered by the Sheriff of Wilson County and his deputies shall be those set out in the following Sections, provided that if no fee or commission for the performance of any duty is fixed by this Act, the fee or commission fixed by the General Statutes of North Carolina for the performance of such duty shall be the fee charged for the performance of such duty in Wilson County.

Sec. 2. Fees for sheriff and his deputies:

(a)	Arrest	$ 2.00
(b)	Serving capias	2.00
(c)	Serving summons in civil actions and special proceedings in which there is only one party defendant	2.00
(d)	Serving summons on each additional defendant in civil actions and special proceedings	1.50
(e)	Serving subpoena	.75
(f)	Serving claim and delivery	3.00
(g)	Serving each additional defendant in claim and delivery action	1.00
(h)	Serving execution	2.00
(i)	Serving orders of courts, and notices, other than when serving summons	1.50
(j)	Summoning a juror	.50
(k)	Posting notices	.50
(l)	Taking bond	1.00
(m)	Levying an attachment	3.00
(n)	Allotment of widow's year's support	1.50
(o)	Ejectment and recovery of possession of land	5.00
(p)	Laying off homestead and/or personal property exemption	10.00
(q)	Commission for collecting money under execution:	2½%
(r)	Whenever the sheriff is required to sell land or personal property under execution or order of the	

court and deeds, reports and/or other legal papers are required to be made by the sheriff, the county attorney shall prepare all legal papers in connection with same and the Clerk of the Superior Court shall fix a reasonable attorney's fee for such services to be paid said county attorney as court costs in the action or proceeding.

Sec. 3. The County Attorney of Wilson County shall make a semi-annual report to the County Board of Commissioners of said County on the first Monday in April and each six months thereafter, setting forth the amount of fees collected by him under subsection (r) of Section 2 of this Act.

Sec. 4. This Act shall apply to Wilson County only.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 366 CHAPTER 532

AN ACT RELATING TO THE COMPENSATION OF THE SHERIFF AND DEPUTY SHERIFFS OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Wilson County is authorized in its discretion to fix the salary of the sheriff at not less than thirty-six hundred dollars ($3600.00) nor more than fifty-four hundred dollars ($5400.00) per year, in addition to fees, with an allowance, in the discretion of the commissioners, not to exceed one hundred dollars ($100.00) per month for an automobile or travel within the county. The Board of County Commissioners of Wilson County is authorized to appoint not less than two nor more than five deputy sheriffs and to fix their salaries at not less than eighteen hundred dollars ($1800.00) nor more than four thousand dollars ($4000.00) per year, each, with an allowance, in the discretion of the commissioners, not to exceed fifty dollars ($50.00) per month to each or any of said five deputy sheriffs for an automobile or travel within Wilson County.

Sec. 2. This Act shall apply only to Wilson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 367 **CHAPTER 533**

AN ACT REQUIRING PROFESSIONAL BONDSMEN IN WILSON COUNTY TO DEPOSIT WITH THE CLERK OF THE SUPERIOR COURT THE SUM OF TWO THOUSAND DOLLARS AS EVIDENCE OF SOLVENCY, APPLICABLE ALSO TO JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Every professional bondsman or other person, firm or corporation furnishing for any valuable consideration any bail, bond, guaranty or security for the appearance, attendance, conduct or compliance of any defendant or witness in any criminal action before any court in Wilson County, except the Municipal Recorder's Court of the City of Wilson, shall, before giving any such bond or entering upon any such undertaking, deposit with the Clerk of the Superior Court of Wilson County, and thereafter maintain on deposit as a condition to engaging in any such activity, the sum of two thousand dollars ($2,000.00) in cash, a certified check or negotiable bonds in an equal amount.

Sec. 2. The deposit herein required to be made and maintained with the Clerk of the Superior Court shall be subject at all times to forfeiture in whole or in part whenever it shall be made to appear to the satisfaction of the Clerk of the Superior Court, upon motion of the solicitor or the prosecuting attorney of any court in Wilson County, that the person making such deposit is bound as principal or surety upon any bond or undertaking in any criminal action in any such court, and that a final order of forfeiture has been entered in respect to such bond or undertaking and that the same is still outstanding and unpaid. Any forfeiture in whole or in part of any such deposit made with the clerk shall be applicable in satisfaction of any outstanding bond or undertaking of the person making such deposit to the extent to which a final order of forfeiture has been entered as to such bond or undertaking.

Sec. 3. This Act shall not apply to insurance companies or bonding companies which are licensed by the North Carolina Insurance Commissioner to do business in the State of North Carolina.

Sec. 4. The provisions of this Act are in addition to and not exclusive of other remedies provided by law.

Sec. 4-A. This Act shall also apply to Jackson County and in each place where the words "Wilson County" appear it shall be construed to also read "Jackson County".

Sec. 5. This Act shall apply only to Wilson County and Jackson County.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 371 **CHAPTER 534**

AN ACT TO PROVIDE STAGGERED TERMS FOR THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Union County shall be and continue to be composed of five members who shall be nominated, elected and hold terms of office as hereinafter set forth in this act.

Sec. 2. At the next primary to be held in Union County in the year of 1956, there shall be nominated by the political parties five candidates for the offices of members of the Board of County Commissioners of Union County, and in the general election for the election of county officers held in the year of 1956 three candidates for the offices of members of the Board of Commissioners of Union County receiving the highest number of votes in such election shall be declared elected for four-year terms, and the two candidates in such election receiving the next highest number of votes shall be declared elected for two-year terms. In the event of a tie vote which makes it impossible to determine which candidate or candidates have been elected for the four-year terms, the Board of Elections of Union County shall determine by lot which candidate or candidates, as the case may be, receiving such tie vote, shall serve for a four-year term. At the end of the respective terms of office of said members of the Board of County Commissioners of Union County, their successors shall be elected for terms of four years.

Sec. 3. The provisions of this Act shall apply to Union County only.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 373 **CHAPTER 535**

AN ACT TO SEPARATE THE OFFICE OF THE CLERK OF RECORDER'S COURT OF HARNETT COUNTY FROM THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF HARNETT COUNTY AND TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HARNETT COUNTY TO APPOINT A CLERK AND ASSISTANT CLERK OF THE RECORDER'S COURT OF HARNETT COUNTY, AND TO PROVIDE FOR THE ELECTION AND TERM OF OFFICE OF SUBSEQUENT CLERKS OF THE RECORDER'S COURT OF HARNETT COUNTY.

WHEREAS, the establishment and maintenance of a separate office of the Clerk of the Recorder's Court of Harnett County is necessary and essential in the interest of the efficient administration of justice in the courts of said county, and

WHEREAS, it is desired to provide for the Recorder's Court of Harnett County a fulltime clerk and assistant clerk, and

WHEREAS, it is desirable that the said office of the Clerk of the Recorder's Court of Harnett County be housed in a place separate and apart from the office of the Clerk of the Superior Court of Harnett County; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. On or before July 1, 1955, the Board of Commissioners of Harnett County shall appoint a qualified person as Clerk of the Recorder's Court of Harnett County, who shall hold office until his successor is elected and qualified, as now provided by law for the Clerk of Superior Court of Harnett County, and all subsequent Clerks of the Recorder's Court of Harnett County shall be elected and qualified and hold office for the same term as now provided by law for the Clerk of Superior Court of Harnett County. In the event of a vacancy in the office of Clerk of Recorder's Court of Harnett County, such vacancy shall be filled by the Board of Commissioners of Harnett County. The Board of Commissioners of Harnett County, may in their discretion, appoint an Assistant Clerk of the Recorder's Court of Harnett County who shall in every respect have the same power and authority as the Clerk of said Court.

Sec. 2. The Clerk of the Recorder's Court of Harnett County and such Assistant Clerk as may be appointed pursuant to the authority of this Act shall have the same power and authority with reference to the Recorder's Court of Harnett County as the Clerk of the Superior Court of Harnett County has in the Superior Court and is authorized to take acknowledgments, and to issue warrants and other process.

Sec. 3. That before entering upon their duties, the Clerk and such Assistant Clerk as may be appointed, of the Recorder's Court of Harnett County shall take and subscribe to the same oath of office required of the Clerk of the Superior Court, which oath of office shall be filed in the minutes of the Board of County Commissioners of Harnett County, and in the office of the Clerk of the Superior Court of Harnett County; that the salary of the Clerk of the Recorder's Court of Harnett County shall be set by the Board of County Commissioners of Harnett County at a sum not less than three thousand dollars ($3,000.00) per year nor more than forty-six hundred dollars ($4,600.00) per year; that the salary for the Assistant Clerk shall be set by the Board of Commissioners of Harnett County at such sum as the Board, in its discretion, deems proper.

Sec. 4. The Board of Commissioners of Harnett County shall, on or before July 1, 1955, provide separate and adequate office space essential to the efficient and proper administration of the duties of said office.

Sec. 5. That the Clerk of Recorder's Court of Harnett County is authorized and directed to keep in his office, to be made available to the taxpayers of Harnett County on request, a Minute Docket of all criminal cases coming under the jurisdiction of said Court, said Minute Docket to show: (1) from what authority the warrant was issued; (2) the name of the person swearing to said warrant; (3) the name of the prosecuting witness appearing on said warrant; (4) the charge and amendments

thereto set forth in said warrant; (5) the disposition of said case; (6) the judgment of the Court in said case; (7) the date of disposition; and, (8) the name of defense attorneys appearing therein; and, in a separate section of said Minutes the Clerk of the Recorder's Court of Harnett County will cause to be listed all cases not disposed of within thirty (30) days after the issuance of said warrant.

Sec. 7. The Clerk of the Recorder's Court of Harnett County is directed to keep in his possession, at all times, the criminal warrants coming under the jurisdiction of said Court and is held accountable for same.

Sec. 8. In appeals from the Recorder's Court of Harnett County in civil actions the Clerk of the Recorder's Court shall certify the same to the Clerk of Superior Court and the Clerk of Superior Court shall place the same on the Civil Issue Docket.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 374 CHAPTER 536

AN ACT TO ESTABLISH A LAW LIBRARY FOR PUBLIC OFFICIALS AND COURTS IN HARNETT COUNTY, TO PROVIDE FUNDS FOR THE ESTABLISHMENT AND MAINTENANCE OF THE LAW LIBRARY AND TO PROVIDE FUNDS FOR THE MAINTENANCE, FURNISHING AND EQUIPPING OF THE JUDGE'S CHAMBERS AND TO PROVIDE FUNDS TO SUPPLEMENT THE PURCHASE OF FURNITURE AND OTHER EQUIPMENT ESSENTIAL TO THE ADMINISTRATION OF JUSTICE IN THE COURTS OF HARNETT COUNTY.

WHEREAS, the establishment and maintenance of a law library for the use of the officials of Harnett County and judges, solicitors and other officers of the court of said county is necessary and essential in the interest of the efficient administration of justice in the courts of said county; and

WHEREAS, it is desired to provide for the courts and the officers of the courts, and other public officials of Harnett County, the necessary and proper books, furnishings, supplies, equipment, furniture and records necessary for the efficient administration of justice and other public business for said county, and necessary for the establishment and maintenance of said library; and

WHEREAS, it is desirable and necessary to make provisions for the judge's chambers and consultation room, and to furnish and equip the same; and

WHEREAS, it is also desirable and necessary to supplement the purchase and maintenance of certain furnishings and equipment for the use of the courtrooms of the Harnett County Superior and Recorder's Courts and the courtroom of the Recorder's Court in Dunn; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby established in Harnett County a law library to be known as Harnett County Law Library which shall be kept and maintained as provided by this Act, for the County of Harnett and the use of the officials of said county and the officers of the courts held therein.

Sec. 2. There is hereby established in Harnett County a Judicial Council which shall be composed of the Chairman of the Harnett County Board of Commissioners and two members of the Harnett County Bar Association, to be named and elected to said Council by the Harnett County Bar Association. Such Judicial Council is hereby constituted the custodian of all books, furnishings, supplies, equipment, furniture and records of the law library herein created.

Sec. 3. The title to all books, furnishings, supplies, equipment, furniture, records and other property purchased with funds derived under the terms of this Act shall be vested in Harnett County, except such equipment and furniture as may be purchased and held for use in the Dunn Recorder's Court, and the title to this last mentioned property shall be vested in the Town of Dunn. Neither Harnett County nor the Town of Dunn shall sell or otherwise dispose of any such property without first obtaining the consent of the Judicial Council. Harnett County and the Town of Dunn are hereby authorized to hold said property and to add thereto from time to time by gift, donations, purchase, or otherwise, such books, furnishings, supplies, equipment, furniture and records as may be deemed reasonably necessary and proper for the said library and courtroom furnishings.

Sec. 4. The Clerk of the Superior Court of Harnett County shall be ex officio the librarian of said law library. It shall be the duty of said librarian to keep said library open during such hours as may be fixed by the herein created Judicial Council, which shall also prescribe all rules and regulations for the government, use and management of said law library.

Sec. 5. The funds collected by the Clerk of the Superior Court of Harnett County, the Clerk of the Recorder's Court of Harnett County and the Clerk of the Recorder's Court of Dunn, under the provisions of this Act may, in addition to the uses herein prescribed for the creation and maintenance of the law library, be used to supplement and provide for judge's chamber and consultation room, the furnishing and equipping of said judge's chambers and consultation room, and to purchase such furnishings and other equipment as the Judicial Council shall deem proper for use in the courtroom of the Harnett County Superior Court, the courtroom of the Harnett County Recorder's Court, the courtroom of the Dunn Recorder's Court, and annexes thereto.

Sec. 6. In order to provide a fund for the purchase of a law library, furnishings, supplies, equipment, furniture and records as provided for in this Act, and to provide for the judge's chambers and consultation room and the furnishing, equipping and maintaining thereof, and to provide for the purchase and maintenance of courtroom furnishings and other equipment as herein provided, the sum of one dollar ($1.00) shall be taxed as

costs and collected by the Clerk of the Superior Court of Harnett County, the Clerk of the Recorder's Court of Harnett County, and the Clerk of the Recorder's Court of Dunn, in each and every criminal case, and each and every civil case instituted in either of said courts, which sum shall be taxed as an item of advanced cost, wherein final disposition of said case is made by trial or otherwise in either of said courts, after the ratification of this Act, except in such cases in which Harnett County is adjudged to pay the costs. The revenue received under the terms of this Act shall be set apart in a fund to be known and designated as the law library and courts equipment fund, and said fund shall be deposited by the Clerk of the Superior Court in some suitable bank located in Harnett County. The Clerk of the Superior Court of Harnett County shall be custodian of this fund.

Sec. 7. The Clerk of the Recorder's Court of Harnett County and the Clerk of the Recorder's Court of Dunn, shall, on or before the 10th day of each and every calendar month, transmit to the Clerk of the Superior Court of Harnett County all money collected under the provisions of this Act during the preceding month, and shall likewise transmit to the Clerk of the Superior Court of Harnett County a report showing the source or sources from which said funds were derived. The Clerk of the Superior Court of Harnett County shall in turn transmit the reports so received by him, together with a report showing the funds collected by his office under the terms of this Act during the preceding month, to the Register of Deeds of Harnett County, who shall keep such reports on file in her office and open to public inspection.

Sec. 8. The Clerk of the Superior Court of Harnett County, as custodian of the fund herein created, shall purchase and pay for out of such fund such volumes and sets of books, furnishings, equipment, supplies, furniture, and records as may be selected and directed to be purchased by the Judicial Council of Harnett County.

Sec. 9. The Board of County Commissioners of Harnett County, and their successors, shall within six months after the ratification of this Act provide adequate space in the courthouse at Lillington for the library, judge's chambers and consultation room as provided for in this Act.

Sec. 10. All disbursements of the funds received under the terms of this Act shall be by check issued and signed by the Clerk of the Superior Court of Harnett County, or her successor, and it shall be the duty of said clerk to keep a correct account of all receipts and disbursements in connection with the fund herein provided for and make an annual report thereof to the Harnett County Board of Commissioners. All receipts and disbursements under the terms of this Act shall be audited annually by the auditors making the annual audit of the office of the Clerk of the Superior Court in Harnett County.

Sec. 11. All laws and clauses of laws in conflict herewith regarding the collection and dispositions of costs by the office of the Clerk of the Superior Court of Harnett County and all other laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 376 CHAPTER 537

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF THE TOWN OF PARKTON, IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the Town of Parkton, in Robeson County, shall be a bird sanctuary.

Sec. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 377 CHAPTER 538

AN ACT TO AMEND G. S. 162-6 RELATING TO FEES TO BE CHARGED BY THE SHERIFF OF MOORE COUNTY AND THE CONSTABLES OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 162-6 as amended is hereby further amended by adding the following provisions at the end thereof.

Sec. 2. The fees and expenses to be charged and collected by the Sheriff of Moore County for services rendered by him shall be as hereinafter set out:

Arrest, Warrant & Capias & Civil, each defendant	$ 2.00
Subpoena, Criminal & Civil, each witness	.75
Summons, each defendant	1.50
Claim & Delivery	3.00
Each additional defendant	1.00
Attachments	3.00
Each additional defendant	1.00
Execution, each defendant	2.00

Homestead & Personal Property Allotment	
Fees, Sheriff and three Commissioners	15.00
Serving Notices, each copy	1.00
Summary of Ejectment, Service of Summons, each defendant	1.50
Summary of Ejectment, Execution by Removal	5.00
Commission on Collections on Executions, 5% on first $500.00	
Commission on Collections on Executions, 2½% all above $500.00	
Seizure Fee, confiscated autos	3.00
Posting Notices of Sale, each copy	1.00

Sec. 3. In all cases where the constable of any township in Moore County is vested with authority of law to serve any process, subpoena, writs or papers and perform any of the duties or official functions as listed and shown above in Section 2 of this Act relating to the Sheriff of Moore County, such constable shall in all cases receive the same fee as fixed in Section 2 of this Act for the Sheriff of Moore County for serving the same process or performing the same duties.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 390 CHAPTER 539

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF CLAY COUNTY TO EXECUTE A CHATTEL MORTGAGE FOR NOT MORE THAN $1500.00 IN ORDER TO ENABLE SAID BOARD TO PURCHASE AN AUTOMOBILE FOR USE IN ITS DRIVER TRAINING PROGRAM.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Education of Clay County be and it is hereby authorized and empowered to execute a chattel mortgage to secure the payment of a promissory note in an amount not exceeding fifteen hundred dollars ($1500.00), said chattel mortgage to constitute a lien against any automobile purchased by said board in order to carry out its Driver Training Program in the public schools.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

H. B. 173 CHAPTER 540

AN ACT TO AMEND VARIOUS SECTIONS OF THE GENERAL STATUTES RELATING TO THE EFFECTS OF LEGITIMATION AND RELATING TO THE INHERITANCE RIGHTS AND DISTRIBUTION OF PERSONAL PROPERTY TO AND FROM A LEGITIMATED CHILD.

The General Assembly of North Carolina do enact:

Section 1. Paragraph 12 of G. S. 28-149 is hereby rewritten to read as follows:

"12. When any child born out of wedlock shall have been legitimated in accordance with the provisions of G. S. 49-10 or G. S. 49-12, such child shall be entitled, by succession, inheritance or distribution, to personal property by, through and from his father and mother as if such child had been born in lawful wedlock. If any such child dies intestate, his personal property shall be distributed according to this Chapter among those who would be his next of kin in case he had been born in lawful wedlock."

Sec. 2. G. S. 49-11 is hereby amended by rewriting the first sentence thereof to read as follows:

"The effect of legitimation under G. S. 49-10 shall be to impose upon the father and mother all the obligations which parents owe to their lawful issue, and to entitle such child by succession, inheritance or distribution, to real and personal property by, through, and from his father and mother as if such child had been born in lawful wedlock."

Sec. 3. G. S. 49-12 is hereby rewritten to read as follows:

"Sec. 49-12. Legitimation by Subsequent Marriage.—When the mother of any child born out of wedlock and the reputed father of such child shall intermarry or shall have intermarried at any time after the birth of such child, the child shall, in all respects after such intermarriage be deemed and held to be legitimate and the child shall be entitled, by succession, inheritance or distribution, to real and personal property by, through, and from his father and mother as if such child had been born in lawful wedlock. In case of death and intestacy, the real and personal estate of such child shall be transmitted and distributed according to the statute of descents and distribution among those who would be his heirs and next of kin in case he had been born in lawful wedlock."

Sec. 4. Rule 16 of G. S. 29-1 is hereby rewritten as follows:

"Rule 16. Succession and Inheritance Rights to and from Legitimated Children.—When any child born out of wedlock shall have been legitimated in accordance with the provisions of G. S. 49-10 or G. S. 49-12, such child and his issue shall be entitled by succession or inheritance to real property by, through, and from his father and mother as if such child had been born in lawful wedlock. If any such child dies intestate, his real property shall be transmitted according to this Chapter among those who would be his heirs in case he had been born in lawful wedlock."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

H. B. 174 CHAPTER 541

AN ACT TO REWRITE G. S. 31-5.5 RELATING TO THE EFFECT ON A WILL OF AFTER-BORN AND AFTER-ADOPTED CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 31-5.5 is hereby rewritten to read as follows:

"Sec. 31-5.5. After-born and after-adopted child; effect on will.—(a) A will shall not be revoked by the birth of a child to or adoption of a child by the testator after the execution of the will, but any such after-born or after-adopted child shall be entitled to such share in testator's estate as it would be entitled to if the testator had died intestate unless:

(1) The testator made some provision in the will for the child, whether adequate or not, or

(2) It is apparent from the will itself that the testator intentionally did not make specific provision therein for the child.

(b) The provisions of G. S. 28-153 to 28-158 inclusive shall be construed as applicable to both an after-born child and an after-adopted child."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

H. B. 175 CHAPTER 542

AN ACT TO AMEND G. S. 28-152 AND G. S. 29-1 RELATING TO THE HEIRS AND NEXT OF KIN OF ILLEGITIMATE CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-152 is hereby rewritten to read as follows:

"G. S. 28-152. Illegitimates' next of kin.—(a) Every illegitimate child of a mother dying intestate, or the issue of such illegitimate child deceased, shall be considered among her next of kin, and as such shall be entitled to a share of her personal property as prescribed in this Chapter.

"(b) Upon the death of an illegitimate child, his personal property shall be distributed in the following manner:

"1. If there is a surviving spouse and one child, the property shall be equally distributed between the surviving spouse and the child. If there is a surviving spouse and more than one child, the property shall be distributed in equal portions among the spouse and children. The child or children of any child or children of the intestate who may have died prior to the parent shall represent his, her or their parent in such distribution.

"2. If there is a surviving spouse, but no child nor legal representative of a deceased child, the surviving spouse shall be entitled to all of the personal property of such intestate.

"3. If there is no surviving spouse, the property shall be distributed, by equal portions, among all the children, and such persons as legally represent such children as may be dead.

"4. If there is no surviving spouse nor children, nor any legal representative of deceased children, then the mother, if there is one, shall be entitled to all the personal property of such intestate.

"5. If there is no surviving spouse, nor children, nor any legal representative of deceased children, nor mother, then to the children of the mother, whether legitimate or illegitimate, or their issue.

"6. If there is no surviving spouse, nor children, nor any legal representative of deceased children, nor mother nor children nor issue of children of the mother, whether legitimate or illegitimate, the property shall escheat to the University of North Carolina.

"(c) Nothing in this Section shall be construed to allow illegitimate children to inherit from the kindred of their mother, nor to allow the kindred of their mother to inherit from the illegitimate children except as provided in paragraph 5 of subsection (b) of this Section."

Sec. 2. Rule 10 of G. S. 29-1 is hereby rewritten to read as follows:

"Rule 10. Heirs of Illegitimate.—(a) The real property of an illegitimate child shall lineally descend in the same manner as if he had been born in lawful wedlock.

"(b) Upon the death of an illegitimate child not having lineal descendants capable of inheriting, his real property shall descend in the following order:

"1. To the mother.

"2. If there is no mother, then to the surviving spouse.

"3. If there is no mother or surviving spouse, then to the children of the mother, whether legitimate or illegitimate, or their issue.

"4. If there is no mother or surviving spouse, nor children, nor issue of children of the mother, whether legitimate or illegitimate, any real property which has been acquired by such illegitimate from the mother shall descend to the heirs of the mother; but any real property not so acquired shall escheat to the University of North Carolina.

"(c) Nothing in this Section shall be construed to change the existing rules with respect to courtesy and dower or other rights of inheritance by virtue of marriage."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

H. B. 221 **CHAPTER 543**

AN ACT TO REWRITE AND REVISE CHAPTER 121 OF THE GENERAL STATUTES OF NORTH CAROLINA PERTAINING TO THE DEPARTMENT OF ARCHIVES AND HISTORY AND TO PROVIDE FOR THE PRESERVATION OF HISTORIC SITES BY THAT DEPARTMENT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 121 of the General Statutes of North Carolina is hereby rewritten and revised to read as follows:

"

CHAPTER 121.

STATE DEPARTMENT OF ARCHIVES AND HISTORY

"Section 121-1. Name. The archival and historical agency of the State of North Carolina shall be the State Department of Archives and History.

"Section 121-2. Powers and duties of the Department. The State Department of Archives and History shall have the following powers and duties:

(1) To adopt a seal for official use in official business.

(2) To make to the Governor a biennial report of its activities and needs, including recommendations for improving its services to the State, to be transmitted by the Governor to the General Assembly.

(3) To accept gifts, bequests, and endowments for purposes which fall within the general legal powers and duties of the Department. Unless otherwise specified by the donor or legator, the Department may either expend both the principal and interest of any gift or bequest or may invest such funds in whole or in part, by and with the consent of the State Treasurer, in such securities as those in which sinking funds may be invested under the provisions of G. S. 142-34.

(4) To preserve and administer such public archives as shall be transferred to its custody, and to collect, preserve, and administer private and unofficial historical records and relics relating to the history of North Carolina and the territory included therein from the earliest times. The Department shall carefully protect and preserve such materials, file them according to approved archival practices, and permit them, at reasonable times and under the supervision of the Department, to be inspected, examined, or copied: Provided, that any materials placed in the keeping of the Department under special terms or conditions restricting their use shall be made accessible only in accordance with such terms or conditions.

(5) To have materials on the history of North Carolina properly edited, published as other State printing, and distributed under the direction of the Department.

(6) To fix a reasonable price for any or all of its publications and to devote the revenue arising from such sales to the work of the Department.

(7) To maintain one or more historical museums, to collect and preserve therein authentic, important historical materials, and according to approved museum practices to classify, catalog, file and when feasible display such materials and make them available for study.

(8) To select suitable sites on property owned by the State of North Carolina or any subdivision of the State for the erection of historical markers calling attention to nearby historic sites and to prepare appropriate inscriptions to be placed on such markers. The Department shall have all markers manufactured, and when completed, each marker shall be delivered to the State Highway and Public Works Commission for erection under the provisions of G. S. 136-42 and 136-43.

(9) To acquire real and personal properties that have Statewide historical or archeological significance by gift, purchase, devise or bequest; to preserve and administer such properties; to charge reasonable admission fees to such properties; and to determine criteria for the approval of such properties for State aid. In the acquisition of such property, the Department shall have the authority to acquire property adjacent to properties having Statewide historical or archeological significance deemed necessary for the proper use and administration of historic or archeological properties.

(10) To make reasonable rules for the regulation of the use by the public of such historical or archeological properties under its charge, which regulations, after having been posted in conspicuous places on and adjacent to such State properties and at the courthouse of the county or counties in which such properties are situated, shall have the force and effect of law and any violation of such regulations shall constitute a misdemeanor and shall be punishable by a fine of not more than fifty dollars ($50.00) or by imprisonment for not exceeding thirty days.

(11) To organize and administer a Junior Historian Movement, in cooperation with the State Department of Public Instruction, the public schools, and other agencies or organizations that may be concerned therein.

(12) To establish one or more advisory boards or advisory committees to assist the Department in the performance of its duties. The Department is authorized, out of any funds appropriated to the Department, to pay the actual expenses of such committee members incurred while on official business.

(13) To promote and encourage throughout the State knowledge and appreciation of North Carolina history by encouraging the people of the State to engage in the preservation and care of archives, historical manuscripts, museum items, and other historical materials; the writing and publication of State and local histories of high standard; the display and interpretation of historical materials; the marking and preservation of historic or archeological buildings and sites; the teaching of North Carolina history in the schools and colleges; the conduct and presentation of historical celebrations and dramas; the publicizing of the State's history through media of public information; and other activities in historical and allied fields.

(14) To cooperate with and assist, insofar as practicable, State institutions, departments, and agencies, the counties and municipalities, organizations and individuals engaged in activities in the fields of North Carolina archives and history.

"Section 121-3. Executive Board. (a) Membership; terms. The Department shall be governed by an Executive Board, composed of the seven persons heretofore appointed and now serving as the governing board of the Department. At the expiration of the current term of each member, his successor shall be appointed by the Governor for a term of six years and until his successor shall be appointed and qualified. Thereafter all members shall be appointed by the Governor and their terms shall be for six years and until their successors shall be appointed and qualified. Any vacancy occurring on the board by reason of death, resignation or otherwise shall be filled by the Governor for the remainder of the unexpired term.

(b) Compensation. The members of the Executive Board shall serve without salary but shall be allowed their actual expenses when attending to their official duties, to be paid out of any funds appropriated for the maintenance of the Department.

(c) Organization; meetings. The board shall elect one of its members as chairman and shall meet regularly at places and dates to be determined by the board. The Director shall serve as secretary to the board. Special meetings shall be called by the Director upon order of the chairman on the chairman's own initiative and must be called by the Director at the request of two or more members of the board. All members shall be notified by the Director in writing of the time and place of regular and special meetings at least seven days in advance of such meeting, except that meetings may be held on shorter notice if all members of the board shall agree. Four members shall constitute a quorum.

(d) Powers and Duties. The Executive Board shall be the governing body for the State Department of Archives and History and shall have the power to adopt rules and regulations for its own government and for the conduct of any of the functions assigned to the Department under the provisions of this Chapter. The board shall fix the policies under which the Director and other employees of the Department shall carry out the duties imposed upon the Department.

"Section 121-4. Director. (a) Appointment. The Executive Board shall elect a Director of the Department whose duty it shall be, under the supervision of the board, to direct and administer the work and activities of the Department as defined and specified by law. He shall serve at a salary to be fixed by the Governor and Advisory Budget Commission, upon the recommendation of the Executive Board of the Department. The board, after proper notice and hearing, may remove the Director from office for neglect of duty, malfeasance, misfeasance or nonfeasance in office. The Director may employ such qualified persons as may be needed to perform the work and carry out the duties of the Department.

"Section 121-5. Preservation of records; copies furnished. Any State, county, municipal or other public official is hereby authorized and em-

powered to turn over to the Department any State, county, municipal or other public records no longer in current official use, and the Department is authorized in its discretion to accept such records, and having done so, shall provide for their administration and preservation. When such records have been thus surrendered, photocopies, microfilms, typescripts, manuscripts, or other copies of them shall be made and certified under seal by the Department, upon application of any person, which certification shall have the same force and effect as if made by the official or agency by which the records were transferred to the Department, and the Department may charge reasonable fees for such copies.

When the custodian of official State records certifies to the State Department of Archives and History that such records have no further use or value for official and administrative purposes and when the State Department of Archives and History states that such records appear to have no further use or value for research or reference, then such records may be destroyed or otherwise disposed of by the agency having custody of them.

When the custodian of any official records of any county, city, municipality or other governmental agency certifies to the State Department of Archives and History that such records have no further use or value for official business and when the State Department of Archives and History states that such records appear to have no further use or value for research or reference, then such records may be authorized by the governing body of said county, city, municipality or other governmental agency to be destroyed or otherwise disposed of by the agency having custody of them.

The Department is hereby authorized and empowered to make such orders, rules, and regulations as may be necessary and proper to carry into effect the provisions of the three preceding paragraphs. When any State, county, municipal or other governmental records shall have been destroyed or otherwise disposed of in accordance with the procedure authorized above, any liability that the custodian of such records might incur for such destruction or other disposal shall cease and determine.

"Section 121-6. Administration of properties acquired by State. Historic or archeological properties acquired by the State for administration by the State of North Carolina shall be under the control and administration of the Department of Archives and History. This Department may, in its discretion, make a contract with any county or municipality within the State or with any nonprofit corporation or organization for the administration of any portion of such property.

"Section 121-7. Purchase of historic properties. The Department of Archives and History may, from funds appropriated to the Department for such purpose, purchase historical or archeological real and personal properties, or may assist a county, municipality, or nonprofit corporation or organization in the acquisition and preservation of such properties by providing a portion of the necessary purchase price; provided, that no purchase of such properties shall be made by the State of North Carolina and no contributions shall be made from State funds toward such purchase until the property or properties shall have been approved for such purpose by the Department of Archives and History according to criteria adopted

by the Department. If funds for such purchase or contributions are not available, the Governor and Council of State may, upon the recommendation of the Department of Archives and History, allocate from the Contingency and Emergency Fund an amount sufficient to acquire an option on property or properties, which option shall continue until thirty days after the adjournment sine die of the next General Assembly. State funds shall not be used for the purchase of property having historic or archeological significance unless the simple and unconditional title to such property is acquired by the State of North Carolina or a county or city therein or a nonprofit corporation or organization.

"Section 121-8. Additional power to acquire historic or archeological properties. In the event that a historic or archeological property which has been found by the Department of Archives and History to be important for State ownership is in danger of being sold or used so that its historic or archeological value will be destroyed or seriously impaired, or is otherwise in danger of destruction or serious impairment, the Department of Archives and History, after receiving the approval of the Governor and Council of State, shall have the power to acquire such historic or archeological property by condemnation under the provisions of Chapter 40 of the General Statutes of North Carolina. The Department, upon finding that destruction or serious impairment of historic or archeological value is imminent, shall file with the Governor and the Council of State a report on the importance of the property and the desirability of its ownership by the State of North Carolina. Upon giving their approval the Governor and Council of State shall file such approval with the Clerk of the Superior Court in the county or counties where such property may be situated. Until such approval is filed, the powers of condemnation shall not be exercised. Such condemnation proceedings shall be instituted and prosecuted in the name of the State of North Carolina, and any property so acquired shall be administered, developed and operated as a State historical or archeological site.

"Section 121-9. Designated employees commissioned special peace officers by Governor. Upon application by the Director of the Department of Archives and History, the Governor is hereby authorized and empowered to commission as special peace officers such of the employees of the Department of Archives and History as the Director may designate for the purpose of enforcing the laws, rules and regulations enacted or adopted for the protection, preservation and government of State historic or archeological properties under the control or supervision of the Department of Archives and History. Such employees shall receive no additional compensation for performing the duties of special peace officers under this Article.

"Section 121-10. Powers of arrest. Any employee of the Department of Archives and History commissioned as a special peace officer shall have the right to arrest with warrant any person violating any law, rule or regulation on or relating to the State historic or archeological properties under the control or supervision of the Department of Archives and History, and shall have power to pursue and arrest without warrant any

person violating in his presence any law, rule or regulation on or relating to said historic and archeological properties under the control or supervision of the Department of Archives and History.

"Section 121-11. Bond required. Each employee of the State Department of Archives and History commissioned as a special peace officer under this Article shall give a bond with a good surety, payable to the State of North Carolina in a sum not less than one thousand dollars ($1,000.00), conditioned upon the faithful discharge of his duty as such peace officer. The bond shall be duly approved by and filed in the office of the Insurance Commissioner, and copies of the same, certified by the Insurance Commissioner, shall be received in evidence in all actions and proceedings in this State.

"Section 121-12. Oaths required. Before any employee of the Department of Archives and History commissioned as a special peace officer shall exercise any power of arrest under this Article, he shall take the oaths required of public officers before an officer authorized to administer oaths."

Sec. 2. G. S. 136-43 is hereby rewritten to read as follows:

"Historical Marker Program. The State Highway and Public Works Commission is hereby authorized to expend not more than ten thousand dollars ($10,000.00) a year for the purpose of purchasing historical markers, to be erected by the State Highway and Public Works Commission on sites selected by the State Department of Archives and History which Department shall also prepare the inscriptions and deliver the completed markers to the State Highway and Public Works Commission. This expenditure is hereby declared to be a valid expenditure of State highway maintenance funds. No provision in this Section shall be construed to prevent the expenditure of any Federal highway funds that may be available for this purpose."

Sec. 3. All historic or archeological properties now administered by the Department of Conservation and Development shall be transferred to the Department of Archives and History on July 1, 1955. The Departments of Conservation and Development and of Archives and History shall jointly determine which park properties and parts thereof owned by the State of North Carolina are principally of historic or archeological interest. A report containing the joint findings of the two Departments shall be filed with the Governor and Council of State on or before July 1, 1955, and upon approval of this report by the Governor and Council of States, control and administration of the properties shall pass to the Department of Archives and History.

If these Departments cannot agree as to whether particular properties are chiefly valuable because of their historic or archeological significance or because of their scenic or recreational values, and if they cannot reach an agreement for joint or separate control and administration of properties concerning which some question may arise, or for the physical division of such properties, they shall submit separate reports to the Governor and Council of State, setting forth the recommendations of each Department with respect to those sites on which agreement cannot be reached. The Governor and Council of State, upon receiving these reports, shall de-

termine whether the property or properties in question shall be controlled and administered by the Department of Archives and History or by the Department of Conservation and Development, or jointly by the two Departments.

Sec. 4. If the changes set forth in this Act are not reflected in the Biennial Appropriations Act passed by the 1955 General Assembly, the Director of the Budget shall, on or before July 1, 1955, transfer to the Department of Archives and History the funds appropriated to the Department of Conservation and Development for the preservation, development, maintenance and administration of historic or archeological properties during the 1955-57 biennium.

Sec. 5. Article 25A of Chapter 143 of the General Statutes of North Carolina is hereby repealed.

Sec. 6. Section 4 of Chapter 1021 of the Session Laws of 1949 is hereby amended by deleting the words "Division of Parks of the Department of Conservation and Development" in lines 10 and 11 and substituting the words "Department of Archives and History."

Sec. 7. Chapter 1234 of the Session Laws of 1953 is hereby amended by deleting the words "Department of Conservation and Development" in lines 4 and 5 of Section 6 and in line 3 of Section 7 and substituting therefore the words "Department of Archives and History."

Sec. 8. Chapter 791 of the Session Laws of 1945 is hereby amended by substituting the words "Department of Archives and History" wherever the words "Department of Conservation and Development" or "State Board of Conservation and Development" appear in the Act, except that the Director of the Department of Conservation and Development shall continue to be an ex officio member of the Tryon Palace Commission as provided in Section 2 of the Act.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

H. B. 361 CHAPTER 544

AN ACT TO AMEND G. S. 1-21 RELATING TO THE STATUTE OF LIMITATIONS WHEN THE CAUSE OF ACTION AROSE OUT OF STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-21 is hereby amended by adding at the end thereof the following:

"Provided, that where a cause of action arose outside of this State and is barred by the laws of the jurisdiction in which it arose, no action may be maintained in the courts of this State for the enforcement thereof, except where the cause of action originally accrued in favor of a resident of this State."

Sec. 1½. This Act shall not apply to pending litigation.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

H. B. 362 CHAPTER 545

AN ACT TO REPEAL SUBSECTION 4 OF G. S. 1-97 AND TO AMEND G. S. 1-70 RELATING TO SUITS BY OR AGAINST CERTAIN UNINCORPORATED ASSOCIATIONS AND TO ADD A NEW SECTION TO CHAPTER 1 OF THE GENERAL STATUTES AUTHORIZING SUITS BY OR AGAINST UNINCORPORATED ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Section 1. Subparagraph 4 of G. S. 1-97 is hereby repealed.

Sec. 2. G. S. 1-70 is hereby amended by striking out the last sentence and proviso of said Section which immediately follows the word and period "all." in line seven.

Sec. 3. Article 6 of subchapter 3 of Chapter 1 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 1-69 and immediately preceding 1-70, to be designated as G. S. 1-69.1 and to read as follows:

"Section 1-69.1. Unincorporated associations; suit by or against.—All unincorporated associations, organizations or societies, foreign or domestic, whether organized for profit or not, may hereafter sue or be sued under the name by which they are commonly known and called, or under which they are doing business, to the same extent as any other legal entity established by law and without naming any of the individual members composing it. Any judgments and executions against any such association, organization or society shall bind its real and personal property in like manner as if it were incorporated. This Section shall not apply to partnerships or co-partnerships which are organized to engage in any business, trade or profession."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

H. B. 584 **CHAPTER 546**

AN ACT TO AMEND G. S. 53-77.1 RELATING TO SATURDAY CLOSING OF BANKS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 53 of the North Carolina General Statutes, entitled Banks, is hereby amended by inserting at the end of G. S. 53-77.1 a new paragraph to read as follows:

"All the provisions of this Section shall apply to any city or town of this State having a population now or hereafter of more than sixty-five thousand and having as many as five thousand persons employed by governmental units."

Sec. 2. All laws and clauses of laws in conflict with provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

H. B. 691 **CHAPTER 547**

AN ACT TO REQUIRE THE COUNTY COMMISSIONERS OF CHATHAM COUNTY TO TURN INTO THE GENERAL FUND ALL TAXES COLLECTED FOR THE YEAR 1953 AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Chatham County be, and it is hereby required to turn into the General Fund of the County of Chatham the proceeds of all uncollected taxes which may hereafter be collected for the year 1953, and all prior years.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

H. B. 692 **CHAPTER 548**

AN ACT TO AUTHORIZE THE COUNTY ACCOUNTANT OF CHATHAM COUNTY TO TRANSFER CERTAIN SURPLUS FUNDS TO THE GENERAL FUND OF THE COUNTY TO BE USED FOR GENERAL COUNTY PERMANENT IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Section 1. The County Accountant of Chatham County is hereby authorized, empowered and directed to transfer any surplus in the fund or account known as "The Outside Poor Fund" and any surplus in the fund known as "The County Dependent Fund" to the general fund of the

county, to be used and appropriated by the Board of Commissioners of Chatham County for general county permanent improvements.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

H. B. 710 CHAPTER 549

AN ACT REFERRING TO THE REVALUATION AND REASSESSMENT OF REAL PROPERTY IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of Chapter 623 of the Session Laws of 1953, the Board of County Commissioners of Onslow County may proceed to have a revaluation and reassessment of real property in said county to begin on July 1, 1955, or as soon thereafter as practicable so that the same shall be completed on or before December 31, 1955. The valuations so fixed as a result of the revaluation and reassessment as herein provided for shall be the basis for the listing of real property for taxes in said county for the year 1956 and thereafter until a new revaluation and reassessment is had, subject, however, to such changes as may be made therein by the Onslow Board of County Commissioners sitting as a Board of Equalization and Review.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

H. B. 742 CHAPTER 550

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF MAIDEN IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Maiden in Catawba County shall be as follows:

"BEGINNING at a concrete monument in John Sigmon bottoms (formerly Arndt bottoms) and running thence West 515 feet to a corner in Maiden Creek; thence with Maiden Creek as it meanders in a western direction 4000 feet, more or less, passing the intersection of Town Branch and Maiden Creek; thence with Maiden Creek, as it meanders, 2100 feet, more or less, to a corner in the middle of Maiden Creek which said corner is where Maiden Creek is crossed by the concrete bridge on the State Road running from Maiden to Canslers Crossroads; thence with the center of

Maiden-Canslers Crossroads Road and the lines of E. A. (Jake) Hawn and Alonzo Miles South 27 degrees 00 minutes East 1300 feet, more or less, to another corner in the center of the Maiden-Cansler Crossroads Road, also known as West Main Street Extension; thence South 4870 feet to a concrete monument in lands formerly owned by L. A. Finger; thence East 5280 feet to a concrete marker in lands owned by Marion P. Williams; thence North 636 feet to a stake in the land now owned by Robert Clark; thence South 65 degrees 00 minutes East 1768 feet, more or less, to a stake, the same being a corner of Lot No. 19 of Block "J" of Boyd Heights Property; thence with the line of Lot No. 19 of Block "J" of the Boyd Heights Property North ¾ degrees East 210 feet to a corner in Boyd Street; thence with the center of Boyd Street South 65 degrees East 1321.5 feet to a corner in the middle of U. S. Highway No. 321, (formerly known as Island Ford Road) where said U. S. Highway No. 321 and Island Ford Road are intersected by Boyd Street; thence with the middle of Island Ford Road 1120 feet, more or less, in a northern direction to a corner in Island Ford Road; thence North 70 degrees 00 minutes West 3013 feet to a corner in School Street; thence North 2784 feet to the point of beginning."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

H. B. 764 CHAPTER 551

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF POLK COUNTY TO ADJUST OR CANCEL DELINQUENT TAX ACCOUNTS FOR THE PERIOD 1941 THROUGH 1950.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Polk County is hereby authorized to adjust, compromise or cancel any delinquent ad valorem or poll tax account for the years 1941 through 1950, inclusive, in all instances where, in the judgment of the board of county commissioners, the full amount of such taxes, penalties, and interest, together with the cost of foreclosure, is uncollectible, and the total value of the property liable for any such delinquent tax account does not equal the total amount of such account including taxes, penalties, interest and the cost of collecting or foreclosure: Provided that no such delinquent tax account shall be cancelled in its entirety without any payment whatsoever being required thereon, except in cases where, in the judgment of the board of county commissioners, the total value of all property liable for such tax account does not equal the cost of collection or foreclosure.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. B. 77 CHAPTER 552

AN ACT TO PROHIBIT THE DISCHARGE OF RAW SEWERAGE, INDUSTRIAL WASTE AND OTHER NOXIOUS AND DELETERIOUS SUBSTANCES INTO THE WATERS OF HAW RIVER OR ITS TRIBUTARIES WHICH SHALL RENDER SAID WATERS HARMFUL TO THE PUBLIC HEALTH AND FISH LIFE.

The General Assembly of North Carolina do enact:

Section 1. The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this Act:

"Establishment" shall be construed to include any industrial establishment, mill, factory, tannery, paper or pulp mill, garage, oil refinery, oil storage tanks of all kinds, boat, vessel, mine, quarry and every other industry or plant or works from which industrial wastes are produced.

"Industrial waste" shall be construed to mean any liquid, gaseous, or solid substance, not sewerage, resulting from any manufacturing or industry, or from any establishment, as herein defined, which causes pollution as hereinafter defined, and silt, rock, debris, dirt and clay from any mine or quarry.

"Municipality" shall be construed to include any county, county authority, municipal authority, city, town, township, subdivision or government, instrumentality of government, or authority of any governmental nature.

"Person" shall be construed to include any person, copartnership, association, business trust, limited partnership, or public service or private corporation.

"Pollution" as used in this Act shall be construed to mean noxious or deleterious substances, including sewerage and industrial waste, rendering unclean the waters of Haw River or its tributaries to the extent of making same unsatisfactory for the "best usage" indicated for said waters under the classification or classifications assigned thereto, or which results in the quality of such waters being in contravention of the "Water Quality Standards" established and assigned to such waters pursuant to Section 143-215 of Article 21 of the General Statutes of North Carolina.

"Sewerage" shall be construed to include any substance that contains any of the excrement, waste products or other discharge from the bodies of human beings.

Sec. 2. On and after January 1, 1960, the discharge of sewerage or industrial waste, as defined in this Act, or any other noxious or deleterious substance into the waters of Haw River or its tributaries to such an extent that the waters become unsatisfactory for the "best usage" indicated for same under the classification or classifications assigned thereto by the "State Stream Sanitation Committee", or which results in the quality of such waters being in contravention to the "Water Quality Standards"

assigned to such waters pursuant to Section 143-215, Article 21, of the General Statutes of North Carolina, is hereby declared not to be reasonable use of such waters, to be against public policy and to be a public nuisance.

Sec. 3. On and after January 1, 1960, no person, municipality, or establishment shall place or permit to be placed or discharge or permit to flow or continue to discharge or permit to flow into any of the water of Haw River or its tributaries any raw or untreated sewerage as the word sewerage is defined in this Act.

Sec. 4. On and after January 1, 1960, no person, establishment or municipality, as defined in this Act, shall pollute the waters of Haw River or its tributaries according to the definition of "pollution" as defined in this Act, nor shall any person, municipality or establishment permit or engage in any acts which constitute pollution of said waters.

Sec. 5. On and after January 1, 1960, any person, establishment or municipality who shall engage in any acts of pollution, as defined herein with reference to Haw River or its tributaries, or who shall cause to permit, suffer or allow raw and untreated sewerage to run, seep, be discharged into, or otherwise placed in any manner in the waters of Haw River or its tributaries shall be guilty of a misdemeanor and each day on which any of the violations herein described continue shall be deemed to be a separate offense.

Sec. 6. Any person, establishment or municipality injured or damaged in any respect whatsoever by any of the offenses prohibited by this Act shall have the right to maintain a civil action for an injunction in the Superior Court for the abatement of any of the acts or nuisances herein described and for the recovery of any damages suffered by any municipality, person or establishment by reason of the doing of any of the acts prohibited by this Act, and the Superior Court is vested with jurisdiction to entertain and hear said causes of action according to the rules and procedure of said court and to enter any and all lawful orders for the abatement of said nuisances as herein described and to grant adequate relief when the grievances complained of shall be established.

Sec. 7. This Act shall not be construed to prevent the State Stream Sanitation Committee from establishing and enforcing standards of quality upon the waters of Haw River and its tributaries under the provisions of Article 21 of Chapter 143 of the General Statutes of North Carolina nor shall this Act be construed as amending or repealing any part of such Article.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

S. B. 98 **CHAPTER 553**

AN ACT TO AMEND CHAPTER 86, PUBLIC LAWS OF 1887 RELATING TO ELECTION OF MEMBERS OF BOARD OF TRUSTEES OF DURHAM SPECIAL CHARTER SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That Section 4 of Chapter 86 Public Laws of 1887 be and the said Section is hereby amended by striking out all of the language of said Section 4 following the first sentence thereof, and after the first sentence inserting the following words and figures in lieu of the language so stricken, to wit:

"The said school committee or Board of Trustees shall be divided by the governing body of the City of Durham into two classes of three each. The appointments to said Board of Trustees to be made by the said governing body for terms beginning April 5, 1955, shall be one person a term of two years and one person for a term of four years. In 1957 and thereafter the governing body of said city shall appoint three members to said board of Trustees each two years for terms of four years. The terms of office of the incumbent members of said Board of Trustees shall not be affected by this Act. Whenever any vacancy occurs in said committee or Board of Trustees, the vacancy for the unexpired term of the member shall be filled by the governing body of said City of Durham."

Sec. 2. All laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

S. B. 178 **CHAPTER 554**

AN ACT TO AMEND THE MOTOR VEHICLE LAWS RELATING TO TITLE AND REGISTRATION.

The General Assembly of North Carolina do enact:

Section 1. Section 20-49 of the General Statutes is hereby amended by adding to the end thereof a new subsection to be designated (i) and to read as follows:

"For the purpose of determining compliance with the provisions of this Chapter, to inspect all files and records of the persons hereinafter designated and required to be kept under the provisions of this Chapter or of the registrations of the department:

"1. Persons dealing in or selling and buying new, used or junked motor vehicles and motor vehicle parts; and

"2. Persons operating garages or other places where motor vehicles are repaired, dismantled, or stored."

Sec. 2. Subsection (b) of Section 20-58 of the General Statutes is hereby amended by inserting therein following the comma immediately following the word "notice" in the fifth line of the subsection the words

"and any lien which shall remain of record in the department for a period of more than five years from the date of notice,".

Sec. 3. (a) Section 20-65 of the General Statutes is hereby amended by deleting from the last line of the Section the words "thirty-first day of January" and by inserting therein "fifteenth day of February".

(b) Subsection (b) of Section 20-66 of the General Statutes is hereby amended by changing the comma immediately following the word "registration" in the third line of the Section to a period and is further amended by deleting the remainder of the subsection consisting of the words "but no person shall display upon a vehicle the new registration plates prior to December first."

Sec. 4. (a) Subsection (b) of Section 20-67 of the General Statutes is hereby amended by rewriting the subsection to read as follows:

"Whenever the name of any person who has made application for or obtained the registration of a vehicle or a certificate of title is thereafter changed by marriage or otherwise, such person shall thereafter forward or cause to be forwarded to the department the certificate of title and to make application for correction of the certificate on forms provided by the department."

(b) Subsection (b) of Section 20-85 of the General Statutes is hereby amended by inserting between the words "duplicate" and "certificate" in the subsection the words "or corrected".

Sec. 5. Subsection (b) of Section 20-72 of the General Statutes is hereby amended by inserting therein immediately following the words "warranty of title" in the third line of the subsection a comma and by inserting immediately following said comma the words "including in such endorsement the name and address of the transferee and the date of transfer," and is further amended by inserting immediately following the words "assignment of title" in the last line of the subsection the words "and any person who delivers or accepts a certificate of title endorsed in blank".

Sec. 6. Section 20-72 of the General Statutes is hereby amended by adding to the end thereof a new subsection to be designated subsection (c) and to read as follows:

"When the department finds that any person other than the registered owner of a vehicle has in his possession a certificate of title to the vehicle on which there appears an endorsement of an assignment of title but there does not appear in the assignment any designation to show the name and address of the assignee or transferee, the department shall be authorized and empowered to seize and hold said certificate of title until the assignor whose name appears in the assignment appears before the department to complete the execution of the assignment or until evidence satisfactory to the department is presented to the department to show the name and address of the transferee."

Sec. 7. Section 2 of Chapter 99 of the Public Laws of 1941 is hereby repealed.

Sec. 8. Subsection (a) of Section 20-88 of the General Statutes is hereby amended by adding to the end of the second sentence of the subsection a proviso to read as follows:

"Provided, that in the case of trucks, truck-trailers, and semi-trailers operated by common carriers electing to pay the gross receipts tax, the division of declared gross weight shall be determined as though the vehicles were being licensed as contract carriers."

Sec. 9. Section 20-96 of the General Statutes is hereby amended by inserting immediately following the word "thereto" at the end of the first sentence of the second paragraph of the Section the words "and the overloading penalty provided in this Section and Section 20-118 has been paid."

Sec. 10. Section 20-99 of the General Statutes is hereby amended by adding to the end thereof a new paragraph to be numbered paragraph 5 and to read as follows:

"The provisions, procedures, and remedies provided in this Section shall be applicable to the collection of penalties imposed under the provisions of Section 20-96, Section 20-118, or any other provisions of this Chapter imposing a tax or penalty for operation of a vehicle in excess of the weight limits provided in this Chapter and the Commissioner is authorized to collect such taxes or penalties by the use of the procedure established in paragraphs 1, 2, 3 and 4 of this Section."

Sec. 11. (a) Section 20-110 of the General Statutes is hereby amended by adding thereto a new subsection to be designated subsection (h) and to read as follows:

"The department may rescind and cancel the registration or certificate of title on any vehicle on the grounds that the application therefor contains any false or fraudulent statement or that the holder of the certificate was not entitled to the issuance of a certificate of title or registration."

(b) Section 20-110 of the General Statutes is hereby amended by adding thereto in its proper place a new subsection to be designated subsection (i) and to read as follows:

"The department may rescind and cancel the registration or certificate of title of any vehicle when the department has reasonable grounds to believe that the vehicle is a stolen or embezzled vehicle, or that the granting of registration or the issuance of certificate of title constituted a fraud against the rightful owner or person having a valid lien upon such vehicle."

(c) Section 20-110 of the General Statutes is hereby amended by adding thereto in its proper place a new subsection to be designated subsection (j) and to read as follows:

"The department may rescind and cancel the registration or certificate of title of any vehicle on the grounds that the registration of the vehicle stands suspended or revoked under the Motor Vehicle Laws of this State."

Sec. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

S. B. 193 CHAPTER 555

AN ACT TO REGULATE THE UNREASONABLY SLOW OPERATION OF MOTOR VEHICLES ON THE HIGHWAY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (h) of Section 20-141 of the General Statutes is hereby amended by rewriting the subsection to read as follows:

"No person shall operate a motor vehicle on the highway at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation because of mechanical failure or in compliance with law; provided, this provision shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles."

Sec. 2. Section 20-141 of the General Statutes is hereby amended by inserting therein immediately following subsection (h) a new subsection to be designated subsection (h1) and to read as follows:

"Whenever the State Highway and Public Works Commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway considerably impede the normal and reasonable movement of traffic, the commission or such local authority may determine and declare a minimum speed below which no person shall operate a motor vehicle except when necessary for safe operation because of mechanical failure or in compliance with law. Such minimum speed limit shall be effective when appropriate signs giving notice thereof are erected on said part of the highway. The provisions of this subsection shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

S. B. 265 CHAPTER 556

AN ACT REGULATING THE SALARIES AND FEES OF CERTAIN OFFICIALS IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 561 of the Session Laws of 1947 and Chapter 133 of the Session Laws of 1951 are hereby repealed.

Sec. 2. The Register of Deeds of Randolph County shall receive as compensation the sum of four thousand six hundred fifty dollars ($4,650.00) per annum, payable monthly, and the Assistant Register of Deeds shall

receive the sum of two thousand six hundred fifty dollars ($2,650.00) per annum, payable monthly. These salaries shall be in full compensation of the said Register of Deeds and Assistant Register of Deeds and shall be in lieu of all fees whatsoever, except as provided in Section 7 of this Act.

Sec. 3. The Clerk of Superior Court of Randolph County shall receive as compensation the sum of four thousand six hundred fifty dollars ($4,650.00) per annum, payable monthly, and the Assistant Clerk of Superior Court shall receive the sum of two thousand six hundred fifty dollars ($2,650.00) per annum, payable monthly. These salaries shall be in full compensation of the said Clerk of Superior Court and Assistant Clerk of Superior Court and shall be in lieu of all fees whatsoever; provided, however, that said Clerk may receive additional compensation for serving as judge of the Juvenile Court as Clerk of Recorders Court.

Sec. 4. The Sheriff of Randolph County shall receive as compensation the sum of five thousand three hundred dollars ($5,300.00) per annum, payable monthly; four law enforcement deputies sheriff each shall receive the sum of three thousand dollars ($3,000.00) per annum, payable monthly; said law enforcement deputies shall also receive all fees as provided by law; the office deputy sheriff shall receive the sum of two thousand four hundred dollars ($2,400.00) per annum, payable monthly; that in addition to all other fees or compensation now provided by law, the jailer of Randolph County shall receive a salary of one thousand four hundred dollars ($1,400.00) per annum, payable monthly, out of the general fund of Randolph County.

Sec. 5. That other assistants and deputies of the Register of Deeds, the Clerk of Court, and Sheriff shall receive such compensation as may be fixed by the Board of County Commissioners.

Sec. 6. The Chairman of the Board of Commissioners of Randolph County shall devote so much of his time as may be necessary to fulfill his duties as part-time manager of Randolph County and shall be paid for such services an annual salary of two thousand six hundred fifty dollars ($2,650.00) per annum, payable monthly. In addition thereto, the said Chairman shall receive such necessary travel expense incurred in the performance of his duties as may be approved by the Board of County Commissioners of said county.

Sec. 7. G. S. 161-10.1 is amended by adding at the end thereof a new paragraph to read as follows:

"In Randolph County, the Register of Deeds shall be allowed the sum of eighty cents (80c) for registering chattel mortgages, statutory form."

Sec. 8. G. S. 153-180 is amended by adding a new paragraph at the end thereof to read as follows:

"In Randolph County, the Board of County Commissioners is authorized to fix jailers' fees at such sum as it may see fit, in an amount of not less than one dollar ($1.00) per day nor more than two dollars ($2.00) per day for each prisoner."

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be effective July 1, 1955.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

S. B. 327 CHAPTER 557

AN ACT RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 75 of the Public Laws of 1933 is hereby amended by striking out Section 4 as it now reads, and by inserting the following:

"Sec. 4. At the next primary or convention to be held in Rutherford County for the nomination of county officers, there shall be nominated one commissioner from each of the five districts herein provided for. Candidates in said primary or convention shall be voted on by all of the qualified voters of Rutherford County voting as a whole. The candidate from each district receiving a majority of the votes cast in said election shall be declared to be the candidates of the political party duly nominated for the general election."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

S. B. 358 CHAPTER 558

AN ACT TO INCREASE THE MEMBERS OF THE COUNTY BOARD OF EDUCATION OF CHATHAM COUNTY TO FIVE MEMBERS AND TO INCREASE THE PER DIEM OF THE MEMBERS OF THE BOARD.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Chatham County shall consist of five qualified electors of said county.

Sec. 2. The members of the Board of Education of Chatham County shall be those named in the County Board of Education Omnibus Bill, as enacted by the General Assembly of 1955, and the members of said board shall hold office for a period of two years, beginning on and after April 1, 1955, and ending on April 1, 1957, and until their successors are elected and qualified.

Sec. 3. At the primary election of county officers of Chatham County held in the year of 1956 and biennially thereafter, the political parties of the county shall nominate as their candidates for membership on the Chatham County Board of Education one candidate from each of the dis-

tricts created for the nomination and election of members of the Board of County Commissioners of Chatham County and as named and provided in Section 1 of Chapter 326 of the Session Laws of 1951, and each candidate shall be a qualified elector in the county commissioner district from which he is a candidate. Each candidate for nomination to the office of member of the Chatham County Board of Education shall be voted upon in the primary only by the qualified voters of the district of which he is a resident and from which he is a candidate, and the candidate from each district, of each party receiving a majority of the votes cast by the electors of each such district, shall be declared the nominee of his respective party from the district in which he is qualified and is a candidate. In the event that no candidate in any district heretofore referred to received a majority of the votes cast in the first primary, there shall be a second primary between the two highest candidates in the district, which shall be conducted in the same manner as second primaries held for the nomination of other county officers.

Sec. 4. The names of candidates of each party so nominated shall be duly certified by the chairman of the county board of elections ten (10) days after their nomination is declared by said county board of elections to the State Superintendent of Public Instruction, who shall transmit the names, together with the name of the political party nominating them, to the Chairman of the Committee on Education in the next Session of the General Assembly within ten (10) days after it convenes.

Sec. 5. The Board of Education of Chatham County shall receive a per diem of ten dollars ($10.00) and such travelling expenses, when attending meetings of the boards, or such other travelling expenses as may be incurred while performing duties imposed upon any member by authority of the board as heretofore fixed by law.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

S. B. 361 CHAPTER 559

AN ACT ENABLING THE COUNTY OF BUNCOMBE TO ESTABLISH AN AIRPORT AUTHORITY FOR THE CONSTRUCTION, OPERATION, USE AND MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY OF BUNCOMBE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the Buncombe County Airport Authority (for convenience hereinafter referred to as the "Airport Authority"), which shall be a body corporate and politic, having the powers and jurisdiction and charged with the duties hereinafter enumerated and such other and additional powers and duties as shall be conferred upon it by future Acts of the General Assembly.

Sec. 2. The Airport Authority shall consist of five (5) members, all of whom shall be resident voters of the County of Buncombe. The Chairman of the Board of County Commissioners of Buncombe County, the City Manager of the City of Asheville in said county, the Chairman of the Sinking Fund Commission for Buncombe County, shall ex officio be members of said Airport Authority. The two remaining members shall be elected by the Board of County Commissioners of Buncombe County at its first regular meeting in May of each year, except in the year 1955 when such election shall be held prior to the first regular meeting of the board in June. At the first such election one member of the Airport Authority shall be chosen for a term of two years and the other for a term of one year. Thereafter one member of the Airport Authority shall be elected in May of each year to serve for a term of two years. Vacancies among the elected members of the Airport Authority shall be filled by the board of county commissioners for the unexpired term. Each of the members of the Airport Authority and their successors shall take and subscribe before the Clerk of the Superior Court of Buncombe County, an oath of office and file the same with the County Commissioners of Buncombe County. Members of the Airport Authority shall serve without compensation as such, but shall be compensated for expenses actually incurred in connection with the performance of their duties.

Sec. 3. At its first meeting, the Airport Authority shall choose one of its members as chairman and another as secretary and shall also choose such other officers as it deems proper. The Airport Authority shall have power to adopt rules and regulations relating to its operation, the performance of its duties, and the exercise of its powers and may rescind, amend, and modify the same from time to time.

Sec. 4. The said Airport Authority shall have the following powers and authority and is charged with the following duties:

(a) It shall have exclusive jurisdiction, control, supervision and management over airports owned by Buncombe County, whether located in said county or otherwise. It shall have the power to let or lease any airport under its control or any portion of the same, including buildings and hangers thereon and to grant concessions in connection with the operation of the airport upon such terms and conditions as it shall deem proper. It shall have the power to employ necessary personnel, including a director or manager and to fix the salaries and prescribe the duties thereof.

(b) At the request of the Board of County Commissioners of Buncombe County, the Airport Authority is authorized to act as the agent of the county in making plans with respect to the location and construction of an airport, including acquisition of site, technical planning with respect to clearing, grading and drainage of the airport site, construction of runways and necessary buildings and hangars, lighting and other features of the airport, and in that connection secure necessary engineering and other technical assistance, including legal services to the extent necessary. It is also authorized at the request of said county commissioners, to prepare plans and specifications and contract forms in connection with all work to be done and materials to be furnished in connection with the construc-

tion of an airport. In the performance of its duties as agent as herein authorized, it shall make no contract involving expenditures of more than five hundred dollars ($500.00), except after securing the approval thereof by the board of county commissioners.

Sec. 5. The Airport Authority, in connection with the operation of an airport or airports, shall prepare an annual budget including all costs and expenditures for operations for a fiscal year beginning July first and showing all anticipated revenues to be derived from the operation of the airport or airports during such fiscal year, and submit the same to the County Accountant of Buncombe County at the time and in the form directed by the County Fiscal Control Act. The board of county commissioners shall have the same authority over this budget as it has over other budgets submitted to the county accountant under said last mentioned Act. The cost of the operation and maintenance of any airport under the jurisdiction of the Airport Authority shall be defrayed from the revenues derived from the operation thereof, except to the extent that the Board of County Commissioners of Buncombe County may appropriate available non-tax revenues of the county for that purpose. The affairs of the authority shall be audited in the same manner and at the same time as those of county officials whose transactions are subject to audit.

Sec. 6. The Board of County Commissioners of Buncombe County and the governing body of the City of Asheville are authorized from time to time to enter into contracts with each other whereunder the City of Asheville may agree to make such contribution or contributions toward the airport operations as in the judgment of the governing body of the City of Asheville are justified by reason of any special values resulting to the City of Asheville from the operation of the county airport.

Sec. 7. That if any Section, subsection, paragraph or clause herein contained is for any reason held unconstitutional, invalid, or inoperative, the same in no manner shall affect the remaining provisions hereof and it is hereby declared to be the intent of the General Assembly to enact the remaining provisions hereof.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

H. B. 380 **CHAPTER 560**

AN ACT TO PROVIDE FOR THE DISPOSITION OF SPECIALLY EQUIPPED VEHICLES, OR VEHICLES MODIFIED FROM ORIGINAL MANUFACTURED CONDITION, FOR THE PURPOSE OF INCREASING SPEED WHEN USED IN THE TRANSPORTATION OF INTOXICATING LIQUORS IN VIOLATION OF LAW.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 18-6 by striking out the period appearing after the word "section" in the last line of the second paragraph of said

G. S. 18-6 and by inserting in lieu of said period a comma and the following:

"and provided further, that where such equipment and modifications are so extensive that it would be impractical to restore said vehicle to its original manufactured condition and no one shall be found claiming said vehicle, water or aircraft, or automoble, then in lieu of selling the same, after advertisement, and if no claimant shall appear after the last publication of the advertisement, then the court may order that the vehicle, water or aircraft, or automobile, be turned over to a governmental agency or public official within the territorial jurisdiction of the court, as the court shall see fit, to be used in the performance of official duties only, and not for resale, transfer, or disposition other than as junk."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

H. B. 550 CHAPTER 561

AN ACT TO GRANT ALL COUNTY EMPLOYEES OF CUMBERLAND COUNTY A PERIOD OF ONE WEEK IN EACH CALENDAR YEAR FOR ANNUAL LEAVE, OR VACATION, AND FOURTEEN DAYS IN EACH CALENDAR YEAR AS SICK LEAVE AND TO ALLOW SAID SICK LEAVE TO BE ACCUMULATED WITHIN CERTAIN LIMITS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Cumberland County is hereby authorized and empowered to grant each employee of the County of Cumberland a period of one week in each calendar year as annual leave, or vacation leave, with pay. In addition to the annual leave, or vacation leave herein authorized, the Board of County Commissioners of Cumberland County shall have the power and authority to grant each county employee a period of fourteen (14) days in each calendar year for the use and benefit of each such employee as sick leave. The sick leave herein authorized and empowered may be accumulated by crediting to each county employee the unused sick leave for each calendar year until the same attains the amount of twenty-eight (28) days, and said sick leave shall be leave with pay; provided, that nothing in this Act shall apply to nor shall such annual leave or sick leave be granted to employees of the County of Cumberland who hold elective offices.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

H. B. 586 CHAPTER 562

AN ACT AUTHORIZING THE COUNTY OF CARTERET TO ISSUE BONDS FOR ERECTING A COUNTY JAIL AND FOR RECONSTRUCTING AND IMPROVING THE COUNTY COURTHOUSE AND ANNEX BUILDING NOTWITHSTANDING ANY LIMITATIONS WITH RESPECT THERETO IN THE COUNTY FINANCE ACT.

The General Assembly of North Carolina do enact:

Section 1. The County of Carteret, North Carolina, is hereby authorized to issue bonds of the County of Carteret pursuant to Article 9, Chapter 153, of the General Statutes of North Carolina (the County Finance Act) in an aggregate principal amount not exceeding seventy thousand dollars ($70,000.00) for the purpose of erecting and equipping a county jail on land owned by the county, and to issue bonds of the County of Carteret pursuant to the County Finance Act in an aggregate principal amount not exceeding ten thousand dollars ($10,000.00) for the purpose of reconstructing and improving the county courthouse and annex building, and an order or orders authorizing the issuance of such bonds may be passed and such bonds may be issued notwithstanding any limitations in the County Finance Act on net indebtedness for other than school purposes.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

H. B. 657 CHAPTER 563

AN ACT TO EXTEND THE PLANNING AND ZONING POWERS OF THE CITY OF JACKSONVILLE AND ITS GOVERNING BODY TO THE TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE CITY OF JACKSONVILLE FOR A DISTANCE OF ONE MILE IN ALL DIRECTIONS.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of promoting the orderly growth, expansion and development of the City of Jacksonville and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals or general welfare of the citizens of the City of Jacksonville and of the territory and community beyond and surrounding the corporate limits of the said municipality, as hereinafter defined, the governing body of the City of Jacksonville is hereby authorized and empowered to adopt such ordinances and regulations as may be considered necessary or expedient by the governing body of the City of Jacksonville to regulate, control and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards,

courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, not only within the corporate limits of the City of Jacksonville, but also, when specifically provided by the terms of any such ordinance, within the territory and community beyond and surrounding the corporate boundaries of the City of Jacksonville as now or hereafter fixed, for a distance of one mile of and beyond such corporate boundaries in all directions; and within the aforesaid territory within and beyond the corporate boundaries, the governing body of the City of Jacksonville is hereby authorized and empowered to exercise any and all powers of the planning and/or zoning conferred upon the City of Jacksonville and vested in its governing body by the Charter of the City of Jacksonville, and/or the General Statutes of North Carolina, as amended from time to time, including but not being limited to the provisions of Article 14 of subchapter 1 of Chapter 160 of the General Statutes, and/or by any other Statute applicable to the City of Jacksonville, to the same extent and according to the same methods of procedure as applicable to planning and/or zoning within the corporate limits of the City of Jacksonville.

Sec. 2. At the time the governing body of the City of Jacksonville authorizes the Planning Board of the City of Jacksonville to prepare a recommended zoning ordinance for the territory beyond the corporate limits for a distance of one (1) mile in all directions, said governing body shall appoint four (4) residents of the territory beyond the corporate limits of the City of Jacksonville and within one (1) mile thereof to serve as members of the City of Jacksonville's Planning Board in addition to the regular appointed members. The additional members of the Planning Board so appointed who are residents of the territory beyond the corporate limits shall have equal rights and privileges with the other members of the City of Jacksonville's Planning Board only in matters pertaining to the zoning of the territory surrounding and beyond the corporate limits of the City of Jacksonville within a distance of one (1) mile in all directions thereof, and the term of office of the members who are residents of the territory beyond the corporate limits shall terminate at the time a zoning ordinance for the territory bepond the corporate limits of the City of Jacksonville is enacted by the governing body of the City of Jacksonville.

Sec. 3. The governing body is further authorized in order to properly enforce the provisions of any planning or any zoning ordinances that may be enacted affecting the area beyond the corporate limits as defined herein, to require that prior to the beginning of any construction, reconstruction or alteration of any building or structure that a permit be obtained therefor from the building inspector of the City of Jacksonville. The permit shall be issued by said building inspector if the proposed structure complies with such requirements as may have been adopted by the governing body of the City of Jacksonville for the area whereon the structure is to be situated. No fee shall be charged for such permit.

Sec. 4. The provisions of this Act shall apply only to the City of Jacksonville and to the territory within the corporate limits of the City

of Jacksonville and that territory beyond and surrounding the corporate limits of the City of Jacksonville for a distance of one (1) mile beyond the same in all directions.

Sec. 5. The governing body of the City of Jacksonville shall enact no ordinance or ordinances under the provisions of this Statute without first holding a public hearing.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

H. B. 661 CHAPTER 564

AN ACT AMENDING G. S. 115-157 (a) SO AS TO ALLOW THE BOARD OF EDUCATION OF JONES COUNTY TO INCLUDE IN ITS COUNTY-WIDE CURRENT EXPENSE SCHOOL BUDGET FUNDS FOR INSTRUCTION IN DRIVER TRAINING AND SAFETY EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-157(a) be and the same is hereby amended by adding at the end thereof the following:

"Provided that the Board of Education of Jones County be and it is hereby authorized to include in its county-wide current expense budget funds for instruction in driver training and safety education to supplement State funds authorized by the provisions of G. S. 115-28.1; and the Board of Commissioners of Jones County is authorized in its discretion to allow said item in the current expense school budget and to levy taxes for the same."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

H. B. 722 CHAPTER 565

AN ACT TO AMEND SECTION 3 OF CHAPTER 1062 OF THE 1953 SESSION LAWS RELATING TO THE CORPORATE LIMITS OF THE CITY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 3 of Chapter 1062 of the 1953 Session Laws by striking out the entire Section and inserting in lieu thereof the following:

Sec. 3. The corporate limits of the City of Elizabeth City shall be as follows:

Beginning at a point on the Pasquotank River in the center line of the southern mouth of Knobbs Creek, thence up the center line of said creek to the intersection of the center line thereof with the northwardly prolongation of the East line of Fourth Street, thence southwardly along the northerly prolongation of the East side of Fourth Street to the North side of the right of way of the Norfolk Southern Railroad, thence westwardly and southwardly along the northward and westward side of said right of way of the Norfolk Southern Railroad to a point 1120 feet South of the South side of Main Street, thence eastwardly parallel with the South side of Main Street to the East side of what was formerly the old North Carolina State Highway, thence southwardly along the East side of what was formerly the old North Carolina State Highway to the North side of Church Street Extended, thence eastwardly along the North side of Church Street Extended to the East side of Hughes Boulevard, thence southwardly along the East side of Hughes Boulevard to the center line of the Norfolk and Southern (formerly Suffolk and Carolina) Railroad spur track, thence eastwardly along the center line of said railroad to a point 150 feet westwardly from the West side of Pritchard Town Road, measured along the center line of said railroad, thence southwardly parallel with Pritchard Town Road and distant 150 feet westwardly therefrom to the North side of Ehringhaus Street, thence eastwardly along the North side of Ehringhaus Street to the center line of the United States Government Railroad track, thence southwardly along the center line of said railroad track to a point 150 feet South of the South side of Walkers Avenue, thence South 81 degrees 30 minutes East to the southwest corner of the P. W. Moore School grounds at the northwest side of Roanoke Avenue, thence southeastwardly at right angles to Roanoke Avenue, crossing same, to the southeast side thereof, thence along the South side of Roanoke Avenue South 47 degrees 30 minutes West 380 feet to an iron pipe, thence South 88 degrees 30 minutes East 1100 feet to the northwest corner of the Highland Park Cemetery, thence South 5 degrees West 350 feet to the southwest corner of the Highland Park Cemetery, thence along the South side of said cemetery South 89 degrees East 400 feet to a point on the East side of Peartree Road, thence southwardly along the East side of Peartree Road to the southwest corner of the colored cemetery, thence along the South side of the colored cemetery to the center line of a branch known as Herrington Run, thence southwardly along the center line of said run, a distance of 200 feet, more or less, to an iron pipe at the southwest corner of the F. T. Bray-C. W. Price property, thence eastwardly along the South line of said property to the mouth of a ditch, thence North 80 degrees East along the center line of said ditch, a distance of 600 feet to the West side of Herrington Road, thence northwardly along the West side of Herrington Road a distance of 375 feet, thence eastwardly crossing Herrington Road to a point on the East side thereof which is distant 150 feet southwardly from the South side of Arbutus Street measured along the East side of Herrington Road, thence east-

wardly parallel to Arbutus Street and distant 150 feet southwardly therefrom to a point 150 feet southwestwardly from the southwest side of Southern Avenue, measured along the line at right angles to the southwest side of Southern Avenue, thence southeastwardly parallel to Southern Avenue and distant 150 feet southwestwardly therefrom to a point in the North Carolina State Teachers College property, thence northeastwardly along said school property, a distance of 150 feet to the South side of Southern Avenue, thence northwardly crossing Southern Avenue to a point on the North side of Southern Avenue which is eastwardly distant 100 feet from the intersection of the southeast side of Moore Street and the North side of Southern Avenue measured along the North side of Southern Avenue, thence northeastwardly parallel to Moore Street and distant 100 feet southeastwardly therefrom, a distance of 506 feet, thence eastwardly to the southwest corner of the Raleigh Park subdivision, thence South 71 degrees East along the center of a ditch and the South line of the Raleigh Park subdivision to the southwest corner of the Woodland Park subdivision, thence eastwardly along the center line of said ditch and the South line of the Woodland Park subdivision to the southeast corner of the Woodland Park subdivision and the center line of another ditch, thence northwardly along the center line of the last mentioned ditch and the branch which runs to the East of the Woodland Park subdivision, Williams Circle, and the Gaither property to the Pasquotank River, thence northwardly across Pasquotank River to a point opposite what was formerly the center of the southern mouth of Glovers Cut and 300 feet therefrom, thence westwardly to the southwest point of Machellhe Island (sometimes known as Goat Island), thence westwardly, northwardly and eastwardly following the shore line of said island to a point in said shore line 300 yards from what was formerly the North mouth of Glovers Cut, thence northwestwardly to the point of beginning in the center line of the southern mouth of Knobbs Creek.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

H. B. 730 CHAPTER 566

AN ACT AMENDING G. S. 20-162.1 RELATING TO THE PRIMA FACIE RULE OF EVIDENCE FOR ENFORCEMENT OF PARKING REGULATIONS SO AS TO MAKE THE SAME APPLICABLE TO MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-162.1, as the same appears in the 1953 supplement to Volume 1C of the General Statutes, enacted as Chapter 879, Session Laws of 1953 and amended by Chapter 978, Session Laws of 1953, be and the same is hereby further amended by striking out all of Section 2½ of

Chapter 879, Session Laws of 1953. The purpose of this Act is to make all the provisions of the Statute now codified as G. S. 20-162.1 applicable to Madison County.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

H. B. 738 CHAPTER 567

AN ACT FIXING THE TIMES WHEN THE TEACHERS OF THE FORSYTH COUNTY ADMINISTRATIVE SCHOOL UNIT SHALL BE ENTITLED TO RECEIVE PAYMENT OF LOCAL SUPPLEMENT SALARIES.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Education of Forsyth County be and it is hereby authorized to enter into contracts with the teachers of the Forsyth County Administrative School Unit to pay to said teachers the supplements to their salaries out of funds levied under the provisions of G. S. 115-361 on the following basis:

"One hundred dollars ($100.00) on the first day of school; one-half of the remainder of the agreed supplement on the last school day before the Christmas holidays; and the remainder of the agreed supplement on the last day of the school term."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

H. B. 743 CHAPTER 568

AN ACT AMENDING CHAPTER 943, SESSION LAWS OF 1949 RELATING TO THE NOMINATION OF MEMBERS OF THE BOARD OF EDUCATION OF CRAVEN COUNTY SO AS TO INCREASE THE NUMBER OF DISTRICTS FROM 7 TO 8 AND APPOINTING ROGER BELL AS A MEMBER OF SAID BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That Section 1, Chapter 943, Session Laws of 1949, be and the same is hereby amended by striking the word "seven" from the second line thereof and substituting in lieu thereof the word "eight".

Sec. 2. That Section 2, Chapter 943, Session Laws of 1949, be and the same is hereby amended by striking from the fourth line of said Section the word "seven" and substituting in lieu thereof the word "eight".

Section 2, Chapter 943, Session Laws of 1949, be and the same is hereby further amended by rewriting the last paragraph thereof to read as follows:

"From District No. 7, consisting of Granthams precinct, one member.

"From District No. 8, consisting of Piney Grove, Havelock and Batchelor precincts, one member."

Sec. 3. Chapter 943, Session Laws of 1949, is further amended by inserting between Sections 2 and 3 thereof a new Section to be numbered Section 2½ and reading as follows:

"Sec. 2½. The Chairman of the Board of Education of Craven County shall preside at the meeting of said board, but shall have no vote except in case of a tie; and in the event of the absence or sickness of the chairman, the board may appoint one of its members to act as vice chairman and to exercise all the duties of the chairman."

Sec. 4. Roger Bell is hereby appointed a member of the Board of Education of Craven County from District No. 8 for a term of two years. The said Roger Bell and the persons appointed by the omnibus bill enacted by this General Assembly shall constitute the Board of Education of Craven County.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

H. B. 774 CHAPTER 569

AN ACT AMENDING G. S. 14-269(b) SO AS TO ALLOW THE CLERK OF THE SUPERIOR COURT OF SCOTLAND COUNTY, UPON ORDER OF THE JUDGE, TO DESTROY CONFISCATED PISTOLS AND GUNS.

The General Assembly of North Carolina do enact:

Section 1. That subsection (b) of G. S. 14-269, as the same appears in Volume 1B of the General Statutes, be and the same is hereby amended by adding at the end of the first paragraph thereof the following:

"Provided that in Scotland County the Clerk of the Superior Court shall destroy confiscated pistols and guns when ordered to do so by the presiding judge."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

H. B. 783 **CHAPTER 570**

AN ACT TO VALIDATE THE OFFICIAL ACTS OF W. E. RAIFORD AS A JUSTICE OF THE PEACE IN JONES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All official acts or transactions undertaken or performed in the capacity of a justice of the peace by W. E. Raiford, of Jones County, North Carolina, from the first day of March, 1952, up to and including the date of the ratification of this Act, are hereby validated and confirmed in all respects, as fully as if the said W. E. Raiford had fully complied with all the legal requirements for qualifications as a justice of the peace in said county during said period of time.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

H. B. 799 **CHAPTER 571**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A SPECIAL DEPUTY SHERIFF AT PEACE COLLEGE, MEREDITH COLLEGE, AND SAINT MARY'S SCHOOL AND JUNIOR COLLEGE, IN RALEIGH TOWNSHIP, WAKE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Upon application by the Presidents of Peace College, Meredith College, and Saint Mary's School and Junior College, the Sheriff of Wake County is authorized to name special deputy sheriffs who shall be assigned to duty on the grounds at said colleges. The deputy sheriffs so named shall receive no salary from Wake County, but shall be paid such compensation by said respective colleges as may be agreed upon by the colleges and by the persons so named. The deputy sheriffs appointed under the authority of this Act are empowered to arrest without warrant any person or persons caught in the act of violating any of the laws of the State on the grounds of said colleges.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1955.

S. B. 195 CHAPTER 572

AN ACT TO AMEND ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES SO AS TO MAKE THE PROVISIONS THEREOF, WITH CERTAIN EXCEPTIONS, APPLICABLE TO THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION AND THE PRISON DEPARTMENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-134 is amended to read as follows:

"G. S. 143-134. This Article shall apply to the State Highway and Public Works Commission and the Prison Department except in the construction of roads, bridges and their approaches; provided however, that whenever the Director of the Budget determines that the repair or construction of a building by the State Highway and Public Works Commission can be done more economically through use of employees of the State Highway and Public Works Commission, and/or prison inmates than by letting such repair or building construction to contract, the provisions of this Article shall not apply to such repair or construction."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after January 1, 1956.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

S. B. 274 CHAPTER 573

AN ACT TO PROVIDE FOR THE TRANSFER OF CRIMINAL CASES FROM THE MUNICIPAL RECORDERS COURT OF THE CITY OF WILSON TO THE SUPERIOR COURT OF WILSON COUNTY WHEN TRIAL BY JURY IS DEMANDED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-204 shall not apply to the Municipal Recorder's Court of the City of Wilson.

Sec. 2. In the trial of any criminal case in the Municipal Recorder's Court for the City of Wilson, upon special demand for a jury by the defendant, or prosecuting attorney representing the State, the recorder shall transfer said case to the Superior Court of Wilson County for trial, and the defendant shall execute a new bond in an amount fixed by the recorder for his appearance at the next term of the Superior Court of Wilson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect thirty (30) days after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

S. B. 317 **CHAPTER 574**

AN ACT TO REPEAL SECTION 163-145 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO FILLING VACANCIES AMONG CANDIDATES.

The General Assembly of North Carolina do enact:

Section 1. That Section 163-145 of the General Statutes of North Carolina be repealed and the following be substituted therefor:

"Section 163-145. FILLING VACANCIES AMONG CANDIDATES. In the event that any person nominated in any primary election, or a person who has been declared nominated without opposition after the time for filing notice of candidacy has expired, as the candidate of a political party for a State office, including the office of U. S. Senator, shall die, resign or for any reason become ineligible or disqualified before the date of the ensuing general election, the vacancy in the nomination caused thereby shall be filled by the action of the State Executive Committee of such political party in which the vacancy occurred; in the event of such a vacancy in the nomination of a candidate for a district office, including the offices of Representative in the Congress of the United States, Judge of the Superior Court, Solicitor or State Senator in a Senatorial District composed of more than one county, the same shall be filled by the action of the appropriate executive committee for such district of such political party in which the vacancy occurred; and in the event of such vacancy in the nomination of a candidate for a county office, or the State House of Representatives, or the State Senate in a district composed of only one county, and including the county entitled to furnish the Senator under a rotation agreement as provided for in Section 163-113 G. S., the same shall be filled by the action of the executive committee of the party affected thereby in the county wherein such vacancy occurred; provided that where the general election ballots have already been printed before the vacancy occurs then Section 163-153 shall apply.

"In the event that any vacancy in any elective office, except a county office other than the office of Clerk of Superior Court, should occur at any time within ten days prior to the closing of the filing time as now prescribed by law for the office in which such vacancy occurs, or after such closing of the filing time and thirty days prior to the next general election, a nomination shall be made by the proper executive committee of all political parties as above provided, and the names of the party candidates so nominated shall be printed on the official general election ballots, provided that where the general election ballots have already been printed before the vacancy occurs, then the provisions of Section 163-153 G. S. shall apply; and in the event of any such vacancy arising in any elective office more than ten days prior to the closing of the filing time, as now prescribed by law, for candidates to file for the office affected, nominations of party candidates for such office shall be made in the ensuing primary election, and all candidates for said office shall file their notices of candidacy with the proper Board of Elections as is provided for in Sections 163-119 and 163-120 of the General Statutes; provided that in all special

elections held for Congressmen the provisions of Section 163-105 G. S. shall apply.

"In the event of a vacancy in the office of a Clerk of a Superior Court within thirty days prior to a general election, then the nomination of a party candidate shall be made by the County Executive Committee."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

S. B. 402 CHAPTER 575

AN ACT TO AMEND HOUSE BILL NUMBER 484 RELATING TO THE FILING AND RECORDING OF PAPERS BY THE CLERKS OF SUPERIOR COURT AND REGISTER OF DEEDS OF SEVERAL COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of House Bill Number 484, ratified the 18th day of March, 1955, is hereby amended by deleting the period at the end thereof and inserting in lieu thereof a colon and adding thereafter the following: "Further provided, that where the party presenting any paper or document for recordation, probate or registration cannot after due diligence procure the signature of the person preparing such paper, the same to be found as a fact by a Superior Court Judge, then the same Judge shall direct the Clerk to admit said instrument to recordation, probate or registration by proper notation thereon."

Sec. 2. Section 2 of House Bill Number 484 is further amended by placing a comma after the word "Rutherford" in line one and adding after the comma the words "Pasquotank, Camden, Chowan, Currituck".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

H. B. 213 CHAPTER 576

AN ACT TO AMEND ARTICLE 5, CHAPTER 147, OF THE GENERAL STATUTES RELATING TO THE STATE AUDITOR'S DUTIES.

The General Assembly of North Carolina do enact:

Section 1. Article 5, Chapter 147, of the General Statutes is hereby changed and amended by striking out all of the language of G. S. 147-58, and substituting in lieu thereof the following:

"G. S. 147-58. Duties and authority of State Auditor.—The duties and authority of the State Auditor shall be as follows:

1. The State Auditor shall except as provided in G. S. 143-25 be independent of any fiscal control exercised by the Director of the Budget or the Budget Bureau, and shall be responsible to the Advisory Budget Commission, the General Assembly and the people of North Carolina for the efficient and faithful exercise of the duties and responsibilities of his office.

2. The State Auditor shall be responsible for conducting a thorough post audit of the receipts, expenditures and fiscal transactions of each and every State agency which in any manner handles State funds; 'State agency' is hereby defined to mean any State department, institution, board, commission, commissioner, official or officer of the State.

3. The Auditor shall be responsible for conducting a complete and detailed audit of the fiscal transactions of each and every State agency, except his own office, at least once each year, such audit to cover the fiscal transactions entered into since the period covered by the previous annual audit of such State agency.

4. The Auditor is authorized to conduct special audits, in addition to the annual audits, of the accounts of every State agency whenever in his discretion he determines that such is necessary.

5. The Auditor is authorized to audit at such times as he deems necessary the records of all performances staged on State property under direction of any State agency or wherein any State agency shares in a percentage of gross admission receipts except athletic funds, and the accounts of any private or semi-private agency receiving State aid.

6. The Auditor shall make special investigations upon written request from the Advisory Budget Commission, or upon written request from the Governor.

7. Upon completion of each audit and investigation, the Auditor shall report his findings and recommendations to the Advisory Budget Commission, furnishing a copy of such report to the Governor, a copy to the head of the agency to which the report pertains, and copies to such other persons as he may deem advisable.

8. If the Auditor shall at any time discover any unauthorized, illegal, irregular, or unsafe handling or expenditure of State funds, or if at any time it shall come to his knowledge that any unauthorized, illegal, irregular, or unsafe handling or expenditure of State funds is contemplated but not consummated, in either case, he shall forthwith report the facts to the Governor with a copy of such report to the Advisory Budget Commission.

9. The Auditor is authorized and directed in his reports of audits or reports of special investigations to make any comments, suggestions or recommendations he deems desirable concerning any aspect of such agency's activities and operations.

10. In addition to regular audits, the Auditor shall check the Treasury records at the time a Treasurer assumes office (not to succeed himself), and therein charge him with the balance in the Treasury, and shall check

the Treasurer's records at the time he leaves office to determine that the accounts are in order.

11. The Auditor shall require, when deemed necessary, all persons who have received moneys or securities, or have had the disposition or management of any property of the State, to render statements thereof to him; and all such persons shall render such statements at such time and in such form as he shall require.

12. The Auditor shall require all persons who have received any moneys belonging to the State, and who have not accounted therefor, to settle their accounts; upon failure of any person to settle accounts, the Auditor is authorized and directed to call the matter to the attention of the Attorney General and furnish such information as he may direct.

13. The Auditor shall transmit to the Advisory Budget Commission annually a complete statement of the funds of the State, of its revenues and of the public expenditures during the preceding fiscal year, as revealed by his audits and investigations as herein prescribed, with copies of such statements furnished to the Governor and to such other persons as may be deemed advisable.

14. The Auditor shall examine as often as may be deemed necessary the accounts of the debits and credits in the bank book kept by the Treasurer, and if he discovers any irregularity or deficiency therein, unless the same be rectified or explained to his satisfaction, report the same forthwith in writing to the Advisory Budget Commission, with copy of such report to the Governor.

15. The Auditor may examine the accounts and records of any bank or trust company relating to transactions with the State Treasurer, or with any State department, institution, board, commission, officer, or other agency, or he may require banks doing business with the State to furnish him information relating to transactions with the State or State agencies.

16. The Auditor and his authorized agents shall have access to and may examine all books, accounts, reports, vouchers, correspondence, files, records, money, investments, and property of any State department, institution, board, commission, officer, or other agency as it relates to the handling of State funds. Every officer or employee of any such agency having such records or property in his possession or under his control shall permit access to and examination of them upon the request of the Auditor or any agent authorized by him to make such request. Should any officer or employee fail to perform the requirements of this Section, he shall be guilty of a misdemeanor. The Auditor and his authorized agents are authorized to examine all books and accounts of any individual, firm, or corporation only insofar as it relates to transactions with any department, board, officer, commission, institution, or other agency of the State; provided that such examination shall be limited to those things which might relate to irregularities on the part of any State agency.

17. The Auditor may, as often as he deems advisable, make a detailed examination of the bookkeeping and accounting systems in use in the various State agencies and make suggestions and recommendations to

the agencies for improvements, with a copy of such recommendations transmitted to the Budget Bureau. Any State department, board, commission, institution or agency which plans to change its accounting system must first submit its plan to the Director of the Budget and obtain approval in accordance with provisions of G. S. 143-22; prior to approval of any change in accounting systems, the Director of the Budget shall submit the proposed changes to the Auditor and receive and consider the Auditor's advice and recommendations with respect to such changes.

18. The Auditor, or his deputy, while conducting an examination authorized by these Sections, shall have the power to administer oath to any person whose testimony may be required in any such examination, and to compel the appearance and attendance of such person for the purpose of such an examination. If any person shall willfully swear falsely in such an examination, he shall be guilty of perjury.

19. The Auditor may appoint a deputy auditor to perform any duties pertaining to the office, and he may appoint a deputy auditor for any specific purpose; provided that any deputy so appointed shall not be authorized to transfer authority to any other person.

20. The Auditor shall in the case of audits of State agencies not supported from the State's General Fund charge and collect from such agencies the actual costs of audits made; provided, in the case of an agency supported in part out of the General Fund, the proportion of the actual costs of such audits to be assessed against the agency shall be equal to the proportion of its support received from other than the General Fund, such costs to be paid from such other fund or funds of the audited agency; and provided further, this subsection shall not apply to agencies, institutions or departments which are supported entirely by General Fund appropriations and departmental or institutional receipts. Costs collected under this subsection shall be based on the actual expenses incurred by the Auditor's office in making such audit and the affected agency shall be entitled to an itemized statement of such costs. Amounts collected under this subsection shall be deposited in the General Fund as non-tax revenue.

21. Effective July 1, 1955, or as soon thereafter as practical but not later than July 1, 1956, the functions of pre-audit of State agency expenditures, issuance of warrants on the State Treasurer for same, and maintenance of records pertaining to these functions shall be transferred from the Auditor's office to the Budget Bureau. All books, papers, reports, files and other records of the Auditor's office pertaining to and used in the performance of these functions shall be transferred to the Budget Bureau, and office machinery and equipment used primarily in the performance of these functions shall be transferred to the Budget Bureau. The Governor, with the advice and consent of the Advisory Budget Commission, is authorized to determine and declare the effective date of the transfer of these functions and to do all things necessary to effect an orderly and efficient transfer; and the Governor, with the advice and consent of the Advisory Budget Commission, is further authorized to transfer to the Budget Bureau the unused portion of such funds as may have been appropriated to the Auditor's office for the 1955-57 biennium for the per-

formance of the functions and duties transferred to the Budget Bureau under the provisions of this Act.

22. Nothing under this Article shall be construed to affect the right of the Director of the Budget to require information from State agencies under the provisions of Article 1, Chapter 143 of the General Statutes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

H. B. 214 CHAPTER 577

AN ACT TO AMEND ARTICLE 6, CHAPTER 147, OF THE GENERAL STATUTES RELATING TO THE STATE TREASURER'S DUTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-68 is hereby changed and amended by striking out all of the language of such Section and substituting in lieu thereof the following:

"G. S. 147-68. To receive and disburse moneys; to make reports.—

1. It is the duty of the Treasurer to receive all moneys which shall from time to time be paid into the treasury of this State; and to pay all warrants legally drawn on the Treasurer by the State Disbursing Officer or the State Auditor or the State Treasurer in the lawful exercise of their duties and responsibilities.

2. No moneys shall be paid out of the treasury except on warrant of the State Disbursing Officer or the State Auditor or the State Treasurer, and unless there is a legislative appropriation or authority to pay the same.

3. It shall be the responsibility of the Treasurer to determine that all warrants presented to him for payment are valid and legally drawn on the Treasurer.

4. The Treasurer shall report to the Governor and Advisory Budget Commission annually and to the General Assembly at the beginning of each biennial session the exact balance in the treasury to the credit of the State, with a summary of the receipts and payments of the treasury during the preceding fiscal year, and so far as practicable an account of the same down to the termination of the current calendar year.

5. The State Treasurer shall except as provided in G. S. 143-25 be independent of any fiscal control exercised by the Director of the Budget or the Budget Bureau and shall be responsible to the Advisory Budget Commission, the General Assembly and the people of North Carolina for the efficient and faithful exercise of the responsibilities of his office."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

H. B. 215 CHAPTER 578

AN ACT TO AMEND ARTICLE 1, CHAPTER 143, OF THE GENERAL STATUTES RELATING TO THE DUTIES OF THE DIRECTOR OF THE BUDGET.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-2 is hereby amended by adding at the end thereof the following paragraph:

"Notwithstanding the general language in this Article the expediture of funds by or under the supervision and control of the State Auditor and the State Treasurer for their respective departments shall not, except as provided in G. S. 143-25, be subject to the powers of the Director of the Budget or the Budget Bureau, it being intended that the State Auditor and the State Treasurer shall be independent of any fiscal control exercised by the Director of the Budget or the Assistant Director of the Budget and shall be subject only to such control as may be exercised by the Advisory Budget Commission."

Sec. 2. Following G. S. 143-3 insert Sections 143-3.1 and 143-3.2 to read as follows:

"G. S. 143-3.1. Transfer of functions.—Effective July 1, 1955, or as soon thereafter as practical but not later than July 1, 1956, the functions of pre-audit of State agency expenditures, issuance of warrants on the State Treasurer for same, and maintenance of records pertaining to these functions shall be transferred from the Auditor's Office to the Budget Bureau. All books, papers, reports, files and other records of the Auditor's Office pertaining to and used in the performance of these functions shall be transferred to the Budget Bureau, and office machinery and equipment used primarily in the performance of these functions shall be transferred to the Budget Bureau. The Governor, with the advice and consent of the Advisory Budget Commission, is authorized to determine and declare the effective date of the transfer of these functions and to do all things necessary to effect an orderly and efficient transfer; and the Governor, with the advice and consent of the Advisory Budget Commission, is further authorized to transfer to the Budget Bureau the unused portion of such funds as may have been appropriated to the Auditor's Office for the 1955-57 biennium for the performance of the functions and duties transferred to the Budget Bureau under the provisions of this Act."

"G. S. 143-3.2. Issuance of warrants upon State Treasurer.—Upon the transfer of functions from the Auditor's Office to the Budget Bureau, as provided in this Act, the Director of the Budget shall have the exclusive responsibility for the issuance of all warrants for the payment of money upon the State Treasurer; and to carry out this responsibility the Direc-

tor shall designate a State Disbursing Officer whose duties shall be performed as a function of the Budget Bureau. All warrants upon the State Treasurer shall be signed by the State Disbursing Officer, who before issuing same shall determine the legality of payment and the correctness of the accounts; provided that the State Auditor and the State Treasurer shall have the exclusive authority to issue all warrants for the operation of their respective departments and such warrants shall be paid by the State Treasurer from the appropriations provided therefor; and provided further, that when considered expedient, due to its size or location, a State agency may upon approval of the Director of the Budget make expenditures through a disbursing account with the State Treasurer. All deposits in such disbursing accounts shall be by State Disbursing Officer's warrant, and a copy of each voucher making withdrawals from such disbursing accounts, together with such supporting data as may be required by the Director of the Budget, shall be forwarded to the Budget Bureau monthly or otherwise as may be required by the Director of the Budget. The State Disbursing Officer is authorized to use a facsimile signature machine in affixing his signature to warrants. The Director of the Budget shall secure insurance and/or a bond in an amount of not less than twenty-five thousand dollars ($25,000) to protect the State of North Carolina against any misuse or unauthorized use of the facsimile signature machine by any person. It is further required that the State Disbursing Officer shall be placed under an official bond in a penal sum to be fixed by the Governor and Advisory Budget Commission at not less than fifty thousand dollars ($50,000). Such official bond shall be a bond with corporate surety and furnished by a company admitted to do business in the State, and the premiums will be paid by the State out of the appropriations to the Budget Bureau."

Sec. 3. G. S. 143-4 is hereby amended by striking out the last paragraph thereof and adding the following three paragraphs:

"The Advisory Budget Commission alone shall be responsible for recommending to the General Assembly proposed biennial budgets for the requirements of the State Auditor and the State Treasurer, and for such purposes the Advisory Budget Commission shall require the State Auditor and State Treasurer to maintain records and to submit budget requests and periodic reports on their respective departments in the same manner and form as do other State agencies, and may further direct that such requests and reports be filed for safekeeping in the office of the Budget Bureau.

"Before the end of each fiscal year or as soon thereafter as practicable, the Advisory Budget Commission shall contract with a competent certified public accountant who is in no way otherwise affiliated with the State or with any agency thereof to conduct a thorough and complete audit of the receipts and expenditures of the State Auditor's Office during the immediate fiscal year just ended, and to report to the Advisory Budget Commission on such audit not later than the following October first. A sufficient number of copies of such audit shall be provided so that at least one copy is filed with the Governor's Office, one copy with the Budget

Bureau and at least two copies filed with the Secretary of State.

"In all matters where action on the part of the Advisory Budget Commission is required by this Article, four (4) members of said Commission shall constitute a quorum for performing the duties or acts required by said Commission."

Sec. 4. G. S. 143-17 is hereby amended by striking out the last two sentences of such Section and adding the following sentences:

"The Director shall approve such allotments, or modifications of them, as he may deem necessary to make, and he shall submit the same to the State Auditor who in the course of his audits shall check for compliance with such allotments. No allotment shall be changed nor shall transfers be made except upon the written request of the responsible head of the spending agency and by approval of the Director of the Budget in writing: Provided, that quarterly allotments made to the Auditor's Office and the Treasurer's Office shall be in such amounts as may be designated by the Advisory Budget Commission, and shall be made available in accordance with procedures determined by the Advisory Budget Commission."

Sec. 5. G. S. 143-20 is hereby changed and amended by striking out all of the language of said Section, and substituting in lieu thereof the following:

"G. S. 143-20. Accounting records and audits.—The Director shall be responsible for keeping a record of the appropriations, allotments, expenditures, and revenues of each State department, institution, board, commission, officer, or other agency in any manner handling State funds. These records shall be kept in summary form, or in as much detail as the Director may deem advisable. Audits of the records of the State Auditor and the State Treasurer for the periods preceding the transfer of pre-audit and related functions from the Auditor's Office to the Budget Bureau may be accomplished by the Budget Bureau at the direction of the Director of the Budget."

Sec. 6. Following G. S. 143-23 insert Section 143-23.1 to read as follows:

"G. S. 143-23.1. Maintenance funds for the State Auditor and State Treasurer.—All appropriations now or hereafter made for the support of the functions and responsibilities of the State Auditor and the State Treasurer are for the purposes and objects enumerated in the itemized requirements of such activities recommended to the General Assembly by the Advisory Budget Commission, and/or as amended by the General Assembly. Transfers or changes as between objects and items in the budgets of the State Auditor and the State Treasurer may be authorized by the Advisory Budget Commission in accordance with procedures established by the Commission."

Sec. 7. G. S. 143-25 is hereby amended by inserting in the fourth sentence of said Section, after the words pro rata, the following clause:

"including appropriations for the State Auditor and the State Treasurer."

Sec. 8. G. S. 143-28 is hereby amended by adding at the end thereof the following sentence:

"Provided, that notwithstanding the general language in this Article the expenditure of funds by or under the supervision and control of the State Auditor and the State Treasurer for their respective departments shall not, except as provided in G. S. 143-25, be subject to the powers of the Director of the Budget or the Budget Bureau, it being intended that the State Auditor and the State Treasurer shall be independent of any fiscal control exercised by the Director of the Budget or the Assistant Director of the Budget, and shall be subject only to such control as may be exercised by the Advisory Budget Commission."

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

H. B. 551 CHAPTER 579

AN ACT TO AUTHORIZE THE SHERIFF OF CUMBERLAND COUNTY TO APPOINT NOT TO EXCEED EIGHT DEPUTY SHERIFFS AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY TO FIX THE COMPENSATION OF SAID DEPUTIES.

The General Assembly of North Carolina do enact:

Section 1. On and after the effective date of this Act, the Sheriff of Cumberland County shall be authorized and empowered to appoint not to exceed eight (8) persons to serve as deputy sheriffs in said Cumberland County. Five of the eight deputies shall be designated as salaried deputies by the Sheriff of Cumberland County and shall receive the same pay and expense allowance as the Board of County Commissioners of Cumberland County shall fix and determine for the members of the County Police Force and all fees received by said deputies for the service of civil process shall be paid into the General Fund of Cumberland County. The three deputies not designated as salaried deputies shall be entitled to collect the fees provided by law for service of all civil process which they serve and such salaries as may be fixed and determined by the board of county commissioners should the commissioners decide that the fees should be supplemented by some salary. Two of said salaried deputies shall be named or appointed by the Sheriff of Cumberland County as court officers, to serve and be in attendance upon the courts of the County of Cumberland. The deputy sheriffs appointed under this Act shall not have the authority or power to serve any criminal process, warrants, orders, or any process connected with the criminal laws, but said deputy sheriffs shall have the power and authority to serve all civil process. By way of exception to the foregoing, the two deputy sheriffs assigned to attend and wait upon the courts of the county shall be allowed to serve such criminal process as may be specifically ordered by the court. All of the

deputies appointed under this Act shall be subject to all of the provisions, rules and regulations of the Civil Service Commission for the County of Cumberland enacted at the 1955 Session of the General Assembly, the same being entitled "AN ACT TO CREATE A CIVIL SERVICE COMMISSION FOR CERTAIN EMPLOYEES OF CUMBERLAND COUNTY".

Sec. 2. All deputy sheriffs appointed under the authority of this Act shall be required to enter into a good and sufficient bond in the sum of one thousand dollars ($1,000.00), which shall be the usual bond made by deputy sheriffs and with the usual terms and conditions.

Sec. 3. Chapter 172 of the Public-Local Acts of 1927 be and the same is hereby repealed.

Sec. 4. Chapter 136 of the Public-Local Laws of 1941 be and the same is hereby repealed.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

H. B. 717 CHAPTER 580

AN ACT TO FIX THE FEES OF JUSTICES OF THE PEACE IN CRIMINAL ACTIONS IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Fees in criminal actions in courts of Justices of the Peace in Northampton County shall be as hereinafter set out, provided that if no fee for any service is fixed by this Act, the fee fixed by other laws applicable to Northampton County shall be charged for such services:

Warrant (each)	$2.00
Subpoena (each)	.35
Commitment (each)	1.00
Recognizance (each)	.50
Judgment, contested (each)	3.00
Affidavit, for removal (each)	.50
Capias and order (each)	1.00
Bond of undertaking (each)	1.00
Continuance (each)	.50
Agreement to enter a plea of guilty (each)	1.00

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

H. B. 791 CHAPTER 581

AN ACT TO EXTEND THE TIME FOR THE LEE COUNTY BOARD OF EQUALIZATION AND REVIEW TO COMPLETE ITS WORK IN 1955.

WHEREAS, it is deemed impossible for the Lee County Board of Equalization and Review to complete its duties within the time specified and set forth in the general State law; and

WHEREAS, it is necessary for the Lee County Board of Equalization and Review to have additional time within which to complete its duties in the year 1955: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Lee County Board of Equalization and Review shall hold its first meeting as it is required to do under the State law, but it is authorized to adjourn from time to time, as its duties may require, and it shall be allowed until the thirtieth day of May, 1955, to complete its duties as such Board of Equalization and Review, and it shall complete its duties as such board not later than the thirtieth day of May, 1955.

Sec. 2. This Act shall apply only to Lee County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

H. B. 792 CHAPTER 582

AN ACT TO VALIDATE PROCEEDINGS RELATING TO STREET AND SIDEWALK IMPROVEMENTS IN THE CITY OF SANFORD IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That any and all acts heretofore done, proceedings had and steps taken in the paving of the streets and sidewalks of the City of Sanford and the assessments levied therefor are hereby in all respects approved, legalized and validated.

Sec. 2. This Act shall apply only to the City of Sanford in Lee County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

H. B. 801 CHAPTER 583

AN ACT TO AUTHORIZE THE TAX COLLECTOR OF VANCE COUNTY TO PAY CERTAIN DELINQUENT TAXES INTO THE GENERAL FUND OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Tax Collector of Vance County is authorized to pay into the General Fund of Vance County all or any part of the proceeds of taxes which are due and uncollected on July 1 following the year in which such taxes become due.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

H. B. 803 CHAPTER 584

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WARRENTON, CHAPTER 201, PRIVATE LAWS OF 1915.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 201, Private Laws of 1915, be and the same is hereby amended by adding a new Section immediately following Section 9 and immediately preceding Section 10 in the following words and figures: "Section 9½. The Mayor of the Town of Warrenton shall tax in the bill of costs in every criminal case tried by him the sum of two dollars ($2.00), in addition to all other costs authorized by law, to be paid to the Treasurer of the Town of Warrenton".

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

H. B. 806 CHAPTER 585

AN ACT AMENDING CHAPTER 670, SESSION LAWS OF 1951, RELATING TO THE COMPENSATION AND EXPENSES OF THE MAYOR AND ALDERMEN OF THE TOWN OF SPRING LAKE.

The General Assembly of North Carolina do enact:

Section 1. That Section 6 of Chapter 670, Session Laws of 1951, be and the same is hereby rewritten to read as follows:

"Sec. 6. From and after July 1, 1955, the mayor of said town shall be paid as compensation for his services and expenses a salary to be fixed by the board of aldermen in its discretion and not exceeding twelve hun-

dred dollars ($1200.00) per year. Each alderman shall be paid as compensation for his services and expenses such an amount as shall be fixed by said board in its discretion, not exceeding ten dollars ($10.00) for each regular meeting. The compensation herein fixed shall be paid from the General Fund of the Town of Spring Lake."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

H. B. 807 CHAPTER 586

AN ACT AMENDING CHAPTER 1173, SESSION LAWS OF 1951, AND FIXING THE COMPENSATION OF THE COUNTY COMMISSIONERS OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1, Chapter 1173, Session Laws of 1951, be and the same is hereby amended by striking out the words and figures "ten dollars ($10.00)" in line two and inserting in lieu thereof the words and figures "fifteen dollars ($15.00)".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

H. B. 808 CHAPTER 587

AN ACT AMENDING CHAPTER 539, SESSION LAWS OF 1947, AS AMENDED BY CHAPTER 933, SESSION LAWS OF 1953, SO AS TO FIX THE TERM OF OFFICE OF THE TAX COLLECTOR OF YADKIN COUNTY AT FOUR YEARS.

The General Assembly of North Carolina do enact:

Section 1. That the second sentence of Section 1, Chapter 539, Session Laws of 1947, as rewritten by Section 1, Chapter 933, Session Laws of 1953, be and the same is hereby again rewritten to read as follows:

"The tax collector elected at the general election of 1956, and quadrennially thereafter, in accordance with the provisions of Chapter 163 of the General Statutes, shall serve for a term of four years and until his successor shall be elected and qualified."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

H. B. 834 CHAPTER 588

AN ACT RELATING TO THE GOVERNING BOARD OF THE HAW RIVER SANITARY DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-137 is amended by adding at the end thereof the following:

"From and after the general election to be held in Alamance County in 1956, the governing board of the Haw River Sanitary District shall consist of five members. At the general election in Alamance County in 1956, and biennially thereafter, there shall be nominated and elected five members of the governing board of the Haw River Sanitary District. At primary elections in Alamance County when more than ten candidates qualify for a primary, the ten candidates receiving the highest number of votes in the primary shall be nominated as candidates to be elected in the general election and the five candidates receiving the highest number of votes in the general election shall be elected as members of the Haw River Sanitary District Board. When ten or less candidates qualify for the primary, then each shall be declared to be a candidate in the general election without the names being voted upon in the primary. Said primary and general elections shall be held and conducted in the manner prescribed in G. S. 130-137."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1955.

S. B. 254 CHAPTER 589

AN ACT RELATING TO AD VALOREM TAXES ON THE PROPERTY OF SENIOR WOMAN'S CLUB, INCORPORATED, AND JUNIOR WOMAN'S CLUB, INCORPORATED, OF THE TOWN OF HAMLET.

The General Assembly of North Carolina do enact:

Section 1. Senior Woman's Club, Incorporated, and Junior Woman's Club, Incorporated, of the Town of Hamlet are hereby declared to be charitable organizations and the real estate of said organizations located in the Town of Hamlet, and the personal property used in connection therewith, are hereby declared to be property held for charitable purposes, within the purview of Article V, Section 5, of the Constitution, and as such, exempt from ad valorem taxation for 1955 and subsequent years.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

S. B. 307 CHAPTER 590

AN ACT TO AMEND G. S. 53-43 OF THE GENERAL STATUTES, RELATING TO POWERS AND DUTIES CONFERRED UPON THE COMMISSIONER OF BANKS.

The General Assembly of North Carolina do enact:

Section 1. Amend paragraph (a) of subsection 3 of G. S. 53-43 by striking out the words "ten thousand" in line 11, immediately preceding the comma in said Section, and inserting in lieu thereof the words "five thousand".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

S. B. 388 CHAPTER 591

AN ACT APPOINTING THE MEMBERS OF THE BOARD OF EDUCATION OF CHEROKEE COUNTY AND FIXING THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That the hereinafter named persons are hereby appointed members of the Board of Education of Cherokee County for the respective terms specified: Lewis King and Allen Brendle, each for a term of six years; Andrew J. Barton and Noah Hembree, each for a term of four years; and Walter Muney for a term of two years. The successors to the members appointed by this Act shall each be nominated for a term of six years, and after the expiration of the terms of each of said members, the terms of all members of the Board of Education of Cherokee County shall be six years.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

S. B. 399 **CHAPTER 592**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ROBESON COUNTY TO MAKE APPROPRIATIONS FOR BUILDING WATER LINES FROM THE CORPORATE LIMITS OF MUNICIPALITIES THEREIN TO UNINCORPORATED COMMUNITIES OR LOCATIONS WITHIN THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Robeson County is authorized and empowered to appropriate, make available and spend from any surplus funds or any funds not derived from tax sources which are available to said board to be used in such amounts, in the discretion of said board, for the purpose of building water and sewer lines from the corporate limits of any municipality in said county to communities or locations outside the corporate limits of any municipality therein. Said water lines shall be built and constructed for the purposes of public health and to promote the public health in communities and locations in Robeson County where large groups of employees live in and around factories and mills and where said water and sewerage is necessary to promote industrial purposes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

S. B. 410 **CHAPTER 593**

AN ACT AUTHORIZING THE CITY OF STATESVILLE, NORTH CAROLINA, IN THE DISCRETION OF ITS GOVERNING BODY TO SELL AND CONVEY TO THE BOARD OF EDUCATION OF IREDELL COUNTY, A BODY POLITIC, CERTAIN LANDS.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Statesville in the exercise of its discretion, is authorized and empowered to sell and convey at private sale to the Board of Education of Iredell County, a body politic, and its successors and assigns, for a consideration to be agreed upon between the governing body of the City of Statesville and the Board of Education of Iredell County, a body politic, that certain tract or parcel of land or any part thereof, situated in Statesville Outside Township, Iredell County, North Carolina, and being more particularly described as follows:

BEGINNING at a point in Queen line, said point lying South 3 degrees West 311.05 feet from an iron, a corner between City of Statesville property and E. P. Queen; thence South 87 degrees 37 minutes West 551 feet to an iron; thence South 00 degrees 23 minutes East to an iron on

right of way U. S. 64 by-pass; thence with by-pass right of way North 72 degrees 16 minutes 30 seconds East 537.3 feet to an iron; thence North 3 degrees 00 minutes East 658.55 feet to an iron, the beginning corner, containing 9 acres, more or less. This being a part of that same property as deeded to the City of Statesville in Deed Book 79, at page 448.

Sec. 2. Sections 2 and 59, of Chapter 160 of the General Statutes of North Carolina, to the extent that they conflict with this Act, are hereby repealed, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 300 CHAPTER 594

AN ACT TO AMEND G. S. 1-539.1 RELATING TO DAMAGES FOR UNLAWFUL CUTTING OR REMOVAL OF TIMBER.

The General Assembly of North Carolina do enact:

Section 1. Section 1-539.1 of the General Statutes is hereby amended by rewriting the same to read as follows:

"Section 1-539.1. Damages for unlawful cutting or removal of timber; Misrepresentation of property lines.—(a) Any person, firm or corporation not being the bona fide owner thereof or agent of the owner who shall without the consent and permission of the bona fide owner enter upon the land of another and injure, cut or remove any valuable wood, timber, shrub or tree therefrom, shall be liable to the owner of said land for double the value of such wood, timber, shrubs or trees so injured, cut or removed.

(b) Any person, firm or corporation cutting timber under contract and incurring damages as provided in subsection (a) of this Section as a result of a misrepresentation of property lines by the party letting the contract shall be entitled to reimbursement from the party letting the contract for damages incurred."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 305 CHAPTER 595

AN ACT MAKING UNLAWFUL THE USE OF LIVE VIRUS IN THE VACCINATION OF HOGS IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this Act it shall be unlawful for any person to use live virus in the vaccination of hogs in Perquimans County.

Sec. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and punishable by a fine not to exceed fifty dollars ($50.00) or by imprisonment for not more than thirty days.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 535 CHAPTER 596

AN ACT TO AMEND SECTION 54-148(e) OF THE NORTH CAROLINA GENERAL STATUTES RELATING TO VOTING BY MEMBERS OF COOPERATIVE ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Section 1. That Section 54-148 (e) of the General Statutes is hereby amended by changing the period at the end thereof to a semicolon and by adding next thereafter the following: "provided, however, that any association organized hereunder all of whose members are other associations organized hereunder shall have power to determine by its by-laws the number of votes to which each member association shall be entitled and to provide for the appointment or election of delegates to cast such votes and to represent the member associations at all members' meetings."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 570 CHAPTER 597

AN ACT TO FIX THE SALARY OF THE REGISTER OF DEEDS AND THE CLERK OF THE SUPERIOR COURT OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective the first Monday in December, 1956, the Register of Deeds of Burke County shall receive as compensation for his services an annual salary of forty-eight hundred dollars ($4800.00), payable in twelve equal monthly installments out of the general fund of said county. The salary fixed for the Register of Deeds under this Section shall be in full compensation for all services rendered by him as Clerk to the Board of County Commissioners and all other duties which are now imposed on him by virtue of his office as Register of Deeds for services rendered Burke County. From and after the effective date of this Section, all fees, bounties, commissions, and emoluments as provided by law shall be collected by the Register of Deeds, faithfully accounted for and paid over

to the Board of County Commissioners of Burke County on the first Monday of each month following their collection, to be placed in the general fund of said county.

Sec. 2. The Clerk of the Superior Court of Burke County shall receive as compensation for his services an annual salary of forty-eight hundred dollars ($4800.00), payable in twelve equal monthly installments out of the general fund of said county. The salary fixed for the Clerk of the Superior Court under this Section shall be in full compensation for his services as Clerk of the Superior Court, and shall not include compensation for other services which are now imposed on him by virtue of his office as Clerk of the Superior Court. This Section shall be effective the 1st of July, 1955.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 637 CHAPTER 598

AN ACT TO AMEND CHAPTER 210 OF THE SESSION LAWS OF 1951 RELATING TO THE ROTATION OF THE POSITION OF DEMOCRATIC CANDIDATES FOR THE OFFICE OF STATE SENATOR AMONG THE SEVERAL COUNTIES OF THE THIRTY-THIRD SENATORIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 210 of the Session Laws of 1951 is rewritten to read as follows:

"Sec. 3. Candidates for nomination by the Democratic Party for the office of State Senator shall be voted on only by the qualified voters of the county entitled to said office under the provisions of this Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 701 CHAPTER 599

AN ACT AMENDING CHAPTER 678, SESSION LAWS OF 1951, FIXING THE COMPENSATION OF CERTAIN COUNTY OFFICIALS OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 5, Chapter 678, Session Laws of 1951, be and the same is hereby amended by adding at the end thereof the following:

"Effective as of the first Monday in December 1954, the Sheriff of Swain County shall be paid from the general fund of said county the sum of fifteen hundred dollars ($1500.00) per year for traveling expenses. The said sum shall be paid in twelve equal monthly installments and shall be in addition to any and all other compensation and fees now received by the sheriff of said county."

Sec. 2. That Section 6, Chapter 678, Session Laws of 1951, be and the same is hereby amended by adding at the end thereof the following:

"Effective as of the first Monday in December 1954, the Clerk of the Superior Court of Swain County shall be paid from the general fund of said county the sum of twelve hundred dollars ($1200.00) per year as additional compensation for his services as such clerk. Said sum shall be payable in twelve equal monthly installments and shall be in addition to any and all other compensation and fees now received by him as such clerk."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 702 CHAPTER 600

AN ACT FIXING THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COMMISSIONERS OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective as of the first Monday in December 1954, the Chairman of the Board of County Commissioners of Swain County shall receive for his services as such chairman the sum of one hundred and fifty dollars ($150.00) per month, to be paid from the General Fund of the county.

Sec. 2. Effective as of the first Monday in December 1954, the members of the Board of County Commissioners of Swain County, other than the chairman, shall receive for their services as members of said board the sum of fifty dollars ($50.00) per month, to be paid from the General Fund of the county.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 706 CHAPTER 601

AN ACT TO AMEND CHAPTER 165 OF THE SESSION LAWS OF 1953 RELATING TO THE SALARIES OF CERTAIN OFFICIALS IN PERSON COUNTY SO AS TO PROVIDE FOR AN INCREASE IN THE PERMITTED PAY ALLOWANCE OF CLERICAL ASSISTANTS IN THE OFFICES OF THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 165 of the Session Laws of 1953 is amended by striking out in line 4 of said Section the words and figures "two hundred dollars ($200.00)" and inserting in lieu thereof the words and figures "three hundred and fifty dollars ($350.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 726 CHAPTER 602

AN ACT AMENDING G. S. 160-346 RELATING TO THE SALARY OF THE MAYOR OF THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 160-346, as the same appears in Volume 3C of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Provided that in the City of Fayetteville the Mayor shall receive for his services such salary as the city council shall by ordinance determine, not exceeding twenty-four hundred dollars ($2400.00) a year, and he shall receive no other compensation from the city."

Sec. 2. All laws and clauses of laws, including Section 3, Chapter 41, Session Laws of 1947, in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 754 CHAPTER 603

AN ACT PLACING THE REGISTER OF DEEDS OF MITCHELL COUNTY ON A FEE BASIS, PRESCRIBING SAID FEES AND AUTHORIZING AN ALLOWANCE FOR CLERICAL HIRE.

The General Assembly of North Carolina do enact:

Section 1. That, from and after the first day of April, 1955, the Reg-

ister of Deeds of Mitchell County shall receive as his sole compensation, in lieu of all other compensation, the following fees:

(a) Such registration fees as are named and designated to be charged and collected by the register of deeds, under the general laws of the State.

(b) One dollar ($1.00) for the first three hundred words and twenty cents (20c) for each additional hundred words thereafter.

(c) The sum of five dollars ($5.00) per day for each and every day required as ex officio clerk to the board of county commissioners.

(d) The sum of twenty cents (20c) for each and every warrant check and rebate claim that is drawn and recorded upon the minutes.

(e) The sum of five dollars ($5.00) for each and every official report filed with the board of county commissioners to be recorded; and also the sum of five dollars ($5.00) for each and every official bond filed and recorded.

(f) The sum of twenty cents (20c) for each and every name drawn as juror, and the sum of fifteen cents (15c) for each and every name recorded on the minute books of the board of county commissioners.

(g) The sum of five cents (5c) for each and every name drawn by the board of county commissioners as jurors in revising the jury box.

(h) The sum of twenty cents (20c) for indexing each and every death and birth that occurs in Mitchell County, and the sum of twenty cents (20c) for indexing each and every marriage license issued by the register of deeds of said county.

(i) The sum of two dollars ($2.00) for each and every marriage license issued by the register of deeds.

(j) The sum of one dollar and fifty cents ($1.50) for each and every resolution drawn by the board of county commissioners and recorded in the minute book.

(k) The sum of ten cents (10c) for each and every deed, deed of trust, and mortgage that is transcribed on the general index book.

(l) The sum of twenty cents (20c) for each and every name of transfer of real estate furnished to the county accountant on special prepared blanks or book furnished to the register of deeds by the county.

Sec. 2. That all fees, payment for which is not otherwise provided by law, shall be paid by the Board of County Commissioners of Mitchell County monthly out of the general fund of said county upon the presentation of an itemized statement of said fees by the register of deeds, and after said statement shall have been examined and approved by said board of county commissioners.

Sec. 3. In addition to the fees provided for in Section 1 of this Act, the Register of Deeds of Mitchell County shall be allowed the sum of fifteen hundred dollars ($1500.00) per annum for clerk hire, said amount to be paid in twelve equal monthly installments from the general fund of the county.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 765 CHAPTER 604

AN ACT TO AMEND CHAPTER 113 OF THE PUBLIC-LOCAL LAWS OF 1921 REGULATING THE FEES TO BE CHARGED BY THE SHERIFF OF RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 113, Public-Local Laws of 1921, is hereby amended by striking out the entire second unnumbered paragraph under Section 1 and inserting in lieu thereof the following: "Executing summons or any other writ of notice, two dollars ($2.00)".

Sec. 2. Further amend Chapter 113, Public-Local Laws of 1921, by striking out the words "one dollar and fifty cents" as they appear in the fourth unnumbered paragraph of Section 1 and by inserting in lieu thereof the words "two dollars ($2.00)".

Sec. 3. Further amend Chapter 113, Public-Local Laws of 1921, by striking out the words "fifty cents" as they appear in the fifth unnumbered paragraph of Section 1 and by inserting in lieu thereof the words "one dollar ($1.00)".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 769 CHAPTER 605

AN ACT AUTHORIZING THE APPOINTMENT OF TWO SALARIED DEPUTY SHERIFFS FOR MITCHELL COUNTY AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO FIX THEIR COMPENSATION.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Mitchell County is hereby authorized to appoint two salaried deputy sheriffs and the board of commissioners of said county is hereby authorized to fix their compensation to be paid from the general fund of the county in equal monthly installments.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 770 CHAPTER 606

AN ACT REPEALING SECTION 2, CHAPTER 855, SESSION LAWS OF 1945, LIMITING THE AMOUNT OF EXPENDITURE FOR TELEPHONE SERVICE IN THE SHERIFF'S OFFICE AND JAIL OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all of Section 2, Chapter 855, Session Laws of 1945, be and the same is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 777 CHAPTER 607

AN ACT TO AMEND SECTION 520 OF CHAPTER 106 OF THE GENERAL STATUTES SO AS TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CRAVEN TO ANNUALLY APPROPRIATE NOT TO EXCEED ONE THOUSAND DOLLARS TO AID ANY AGRICULTURAL, ANIMAL OR POULTRY EXHIBITION HELD WITHIN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 520 of Chapter 106 of the General Statutes be amended by adding at the end thereof the following:

"Provided, the Board of Commissioners for the County of Craven may for such purpose annually appropriate not to exceed one thousand dollars ($1,000.00)."

Sec. 2. That this Act shall apply only to Craven County.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 787 CHAPTER 608

AN ACT FIXING CERTAIN FEES OF THE SHERIFF, REGISTER OF DEEDS AND JAIL FEES IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

Section. 1. On and after the ratification of this Act, the fees to be charged by the Sheriff, Register of Deeds and jail fees of Clay County shall be as hereinafter set out: Provided, that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county:

SHERIFF'S FEES

For the arrest of a person or defendant upon a warrant, capias or other criminal process	$2.00
For the service of summons, together with a copy of the complaint, petition or other pleading	1.50
For executing subpoena on a witness	.50
For service of writ of ejectment	1.50
For levying an attachment	1.50
For serving claim and delivery papers	1.50
For serving execution	1.00

REGISTER OF DEEDS

Recording chattel mortgages and retaining title notes (short printed form), minimum	$ .50
Recording regular form deeds, minimum	1.50
Recording regular form deed of trust, minimum	1.75
Recording F.H.A. Agricultural Lien, crop lien or chattel morgage (printed form), minimum	1.00
Recording conditional sales contract, minimum	1.00
Recording easement, or right of way agreement, minimum	1.50
Recording and indexing map, minimum	1.50
Recording irregular contract or instrument not exceeding 300 words in length, minimum	1.00

(Plus twenty cents (20c) for each additional 100 words)

With respect to all the instruments listed above, the Register of Deeds shall collect in addition to the minimum fees set out above for each and every instrument recorded, the calculated amount of recording fees on the basis of one dollar ($1.00) for the first three hundred (300) words and twenty cents (20c) for each additional one hundred (100) words, that the same exceed the minimum fees above set forth.

JAIL FEES

The Jailer of Clay County shall receive, for furnishing a prisoner with board, the sum of one dollar and fifty cents ($1.50) per day.

The Jailer of Clay County shall receive a turnkey fee of one dollar ($1.00) for admitting each prisoner to prison, and a fee of one dollar ($1.00) for releasing each prisoner from prison.

Sec. 2. The Board of County Commissioners of Clay County is authorized, empowered and directed to pay the jailer for board of prisoners for which the county is liable, the sum of one dollar and fifty cents ($1.50) per day from December 5, 1954, to the date this Act goes into effect.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 788 **CHAPTER 609**

AN ACT FIXING THE COMPENSATION OF THE SHERIFF AND TAX COLLECTOR OF CLAY COUNTY, AND TO FIX THE SALARY OF A DEPUTY SHERIFF.

The General Assembly of North Carolina do enact:

Section 1. That in addition to the fees now allowed by law, the Sheriff of Clay County shall receive a salary of two hundred dollars ($200.00) per month to be paid from the General Fund of the county, and in addition thereto the sheriff, as tax collector of said county, shall receive a commission of five per cent (5%) on all sums collected as taxes. The above amounts when so paid to and received by the said sheriff shall be in lieu of any and all other compensation to which he has heretofore been entitled, either as Sheriff or Tax Collector of Clay County. The provisions of this Section shall be effective from the first Monday in Deceember, 1954.

Sec. 2. In addition to other unsalaried deputies appointed by the Sheriff of Clay County, the said sheriff is authorized to appoint one full-time salaried deputy sheriff, who shall devote his full time to the duties of his office, who shall perform such duties as are required by said sheriff and by law applicable to deputy sheriffs, who shall serve at the will of the Sheriff of Clay County, and who shall be subject to dismissal by him at any time according to his discretion, and who shall be known as "First Deputy Sheriff". Said deputy sheriff shall be on a salary basis and shall be paid a monthly salary of one hundred dollars ($100.00) per month from the General Fund of the county. The provisions of this Section shall be effective from the first Monday in December, 1954.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 789 **CHAPTER 610**

AN ACT FOR THE PROTECTION OF WILDLIFE ON CERTAIN PORTIONS OF THE BEACH AND ON ROANOKE ISLAND IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to use or have in his possession any and all rifles and air rifles, on that part of the beach on the East side of Highway No. 158 in Dare County, extending in a northwesterly direction from Oregon Inlet to the dividing line between Currituck and Dare Counties, except when same are stored or kept in a residence or place of business and while being transported to and from use elsewhere. It shall also be unlawful for any person to use or have in his possession any and all rifles and air rifles, on Roanoke Island, Dare

County, except when stored or kept in a residence or place of business and while being transported to and from use elsewhere.

Sec. 2. Any person violating the provisions of this Act shall, upon conviction, be fined not more than fifty dolars ($50.00) or imprisoned not more than thirty (30) days, in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 793 CHAPTER 611

AN ACT REWRITING SECTION 4, CHAPTER 144, PRIVATE LAWS OF 1887, SO AS TO PROVIDE FOR BIENNIAL ELECTIONS FOR TOWN OFFICIALS IN THE TOWN OF EAST BEND IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Charter of the Town of East Bend in Yadkin County, as contained in Chapter 144, Private Laws of 1887, be and the same is hereby amended by rewriting Section 4 thereof to read as follows:

"Sec. 4. There shall be an election for officers mentioned in this Act on Tuesday after the first Monday in May 1955, and biennially thereafter, under the same restrictions and regulations as set out in Article 3, Chapter 160, of the General Statutes."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 794 CHAPTER 612

AN ACT AMENDING G. S. 9-5 TO FIX THE COMPENSATION OF JURORS IN THE SUPERIOR COURT OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 9-5, as the same appears in Volume 1B of the General Statutes, be and the same is hereby amended by adding at the end of the first paragraph thereof the following:

"Provided that in Yadkin County all jurors summoned for service in the Superior Court shall receive for their services the sum of seven dollars ($7.00) per day."

Sec. 2. All laws and clauses of laws, including Chapter 606, Session Laws of 1945, in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 815 CHAPTER 613

AN ACT FIXING CERTAIN FEES FOR SERVING CAPIAS IN DELINQUENT COURT COSTS CASES IN WAYNE COUUTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provisions of law, the Sheriff, Deputy Sheriffs and Constables of Wayne County shall receive two dollars and fifty cents ($2.50) for serving a capias issued by the Clerk of the Superior Court in delinquent court costs cases where the costs of serving the capias is paid by the defendant.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 816 CHAPTER 614

AN ACT TO PROVIDE FOR JAIL FEES FOR WAYNE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any provisions contained in G. S. 153-180, the Board of County Commissioners of Wayne County, in its discretion, is authorized and empowered to fix the amount of jail fees that shall be paid the sheriff, jailer, custodian of the jail, or other officer responsible for furnishing subsistence and food to the prisoners or other persons committed to jail in Wayne County. All sums expended for the food and subsistence of any prisoner or person committed to the common jail of Wayne County shall be taxed in the bill of costs in any case involving such prisoner or person and collected and paid to Wayne County if the costs in such cases are paid by such prisoner or person.

Sec. 2. The Board of County Commissioners of Wayne County, in its discretion, is authorized and empowered to set the jail fees for keeping prisoners in the Wayne County Jail for the United States and municipalities.

Sec. 3. All jail fees collected as provided herein shall be paid into the General Fund of Wayne County.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 818 CHAPTER 615

AN ACT RELATING TO COUNTY AND MUNICIPAL RECORDER'S COURTS WITHIN CARTERET COUNTY AND FIXING COSTS OF MAYOR'S COURTS THEREIN.

The General Assembly of North Carolina do enact:

Section 1. The governing body of any incorporated city or town within Carteret County is hereby authorized and empowered to abolish any presently existing or hereafter established Municipal Recorder's Court of such city or town by appropriate resolution upon finding facts sufficient, in its discretion, to justify such abolition as the public interest may require.

Sec. 2. The Board of Commissioners of Carteret County is hereby authorized and empowered, in its discretion, to provide for a division between the county and any incorporated city or town within the county of the costs obtaining from criminal actions tried in the Recorder's Court of Carteret County and resulting from crimes committed within the corporate limits of such city or town. The amounts resulting from any such division accruing to the benefit of any incorporated city or town shall be remitted to the treasurer of such city or town for the use of the general fund to defray the costs of law enforcement in such city or town.

Sec. 3. The cost of any case hereafter tried in the Mayor's Court of any incorporated city or town within Carteret County shall not exceed the sum of ten dollars and seventy-five cents ($10.75).

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of any such conflict.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 821 CHAPTER 616

AN ACT TO AMEND CHAPTER 828 OF THE SESSION LAWS OF 1951 RELATING TO TRAVEL EXPENSES OF THE SHERIFF OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The third sentence of Section 2 of Chapter 828 of the Session Laws of 1951 is stricken out and the following is substituted in lieu thereof:

"The Board of County Commissioners of Burke County is authorized, in its discretion, to pay the Sheriff of said county for travel expenses an

amount to be fixed by the board not to exceed one hundred and seventy-five dollars ($175.00) per month."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 835 CHAPTER 617

AN ACT TO AMEND CHAPTER 309 OF THE 1949 SESSION LAWS OF NORTH CAROLINA AS IT RELATES TO THE SALARY OF THE MAYOR OF THE TOWN OF WAYNESVILLE.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 309 of the 1949 Session Laws of North Carolina be amended to provide that the salary of the Mayor of the Town of Waynesville, as Mayor of the Town of Waynesville and the Judge of the Police Court, having jurisdiction of misdemeanors, shall be fixed by the Mayor and Board of Aldermen of said Town at a sum not exceeding one hundred fifty dollars ($150.00) per month.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after May 3, 1955.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 836 CHAPTER 618

AN ACT TO AUTHORIZE THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE TO SELL CERTAIN PROPERTY AT PRIVATE SALE.

WHEREAS, the Town of Waynesville has declared certain property, hereinafter described as property not necessary for municipal purposes, and it is desired that said property be sold to trustees or a corporation for use and development by the American Legion: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Mayor and Board of Aldermen of the Town of Waynesville are authorized to sell, in behalf of said Town of Waynesville, at private sale to trustees or a corporation to be organized, for the use of the American Legion and to be developed for public purposes by that organization, certain property, having been declared not necessary for municipal purposes and being described and bounded as follows:

"Beginning at a stake in the line between the Gudger property and the Way property at a point approximately 100 feet North 45 degrees

West from the intersection with the line of the Gudger and Way property with the Shelton property, and runs thence with the southwesterly line of the Way property North 45 degrees West 400 feet to a stake at the southeasterly margin of a proposed 30-foot street; thence with said margin of said street two calls as follows: South 64 degrees 10 minutes West 230 feet; South 68 degrees 14 minutes West 208 feet to a stake in the easterly margin of U. S. Highway; thence with said margin of said highway South 19 degrees 30 minutes West 83.4 feet to a stake in the northeasterly margin of the 30-foot cemetery drive; thence with said margin of said drive three calls as follows: South 37 degrees 30 minutes East 307 feet; South 61 degrees East 167 feet; North 70 degrees East 290 feet to a stake; thence North 28 degrees East 225 feet to the beginning, as per survey and plat made by G. C. Shook, R. L. S."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 848 CHAPTER 619

AN ACT FIXING THE FEES TO BE COLLECTED BY THE REGISTER OF DEEDS OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Register of Deeds of Hertford County shall collect the following fees for the registration of instruments required or permitted to be registered in his office:

Crop Liens: One dollar ($1.00) for the first 300 words and fifteen cents (15c) per hundred for all additional words in excess of the first 300. The minimum fee for all Crop Liens shall be one dollar and twenty-five cents ($1.25).

Title Retaining Contracts and Chattel Mortgages other than regular standard form, one dollar ($1.00) for the first 300 words and fifteen cents (15c) per hundred for all additional words in excess of the first 300. The minimum fee for such instruments one dollar and twenty-five cents ($1.25).

Chattel Mortgage: The fee for recording regular standard form Chattel Mortgage shall be one dollar ($1.00).

Deeds: One dollar ($1.00) for the first 300 words and fifteen cents (15c) per hundred for all additional words in excess of the first 300. Minimum fee for Deeds one dollar and seventy-five cents ($1.75).

Deeds of Trust: One dollar ($1.00) for the first 300 words and fifteen cents (15c) per hundred for all additional words in excess of the first 300. Minimum fee for Deeds of Trust two dollars and twenty-five cents ($2.25).

Mortgage Deeds: One dollar $1.00) for the first 300 words and fifteen

cents (15c) per hundred for all additional words in excess of the first 300. Minimum fee for Mortgage Deeds two dollars and twenty-five cents ($2.25).

All other instruments for recordation shall be one dollar ($1.00) for the first 300 words and fifteen cents (15c) per hundred for all additional words in excess of the first 300. (This is to take care of all papers not mentioned above).

Sec. 2. In all situations not covered by the provisions of this Act, the Register of Deeds shall charge such fees as are prescribed by G. S. 161-10 or any other applicable North Carolina Statute.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 850 CHAPTER 620

AN ACT PRESCRIBING THE FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT AND BY THE CLERK OF THE COUNTY RECORDER'S COURT OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Fees, costs and commissions to be charged and collected by the Clerk of the Superior Court of Hertford County and the Clerk of the Hertford County Recorder's Court for services rendered by him shall be as follows for the items set out below: Provided, that when a fee, cost or commission is not fixed herein, such fee, cost or commission shall be charged as set out in Chapter 225 of the Session Laws of 1947 if provided for therein; if not, then as set out in the General Statutes of North Carolina and the fees, costs and commissions herein set out shall be charged and collected by the Clerk and paid into the General County Fund, unless otherwise provided by law.

1. Adoption. Complete ten dollars ($10.00).

2. Affidavit, administering oaths and making jurat, fifty cents (50c).

3. Appeal, docketing, from clerk or other court, one dollar and fifty cents ($1.50) for one defendant, twenty-five cents (25c) for each additional defendant.

4. Attachment, order, one dollar ($1.00).

5. Auditing annual accounts of executors, administrators, guardians and accounts of other fiduciaries required to render accounts, a fee of fifty cents (50c) for each one hundred dollars ($100.00) or a fraction thereof of the total receipts and disbursements through one thousand dollars ($1,000.00) and ten cents (10c) per each one hundred dollars ($100.00) or fraction thereof on everything above one thousand dollars ($1,000.00), but in no event shall the fee be less than two dollars ($2.00) or more than fifty dolars ($50.00) in each instance, plus recording fees.

6. Bill of cost, preparing same, one dollar ($1.00).

7. Bond or undertaking, including justification, one dollar ($1.00).

8. Bond, approving same, with or without seal, one dollar ($1.00).

9. Capias, each defendant, one dollar and fifty cents ($1.50), whether defendant is arrested or not.

10. Caveat to will, entering and docketing same for trial, two dollars ($2.00).

11. Certificate, fifty cents (50c).

12. Commission, issuing, one dollar ($1.00).

13. Cross indexing, each name, twenty-five cents (25c).

14. Dower, issuing writ, one dollar and fifty cents ($1.50).

15. Docketing warrant, fifty cents (50c) each defendant.

16. Docketing judgment, one dollar ($1.00).

17. Docketing summons or alias or plures summons, fifty cents (50c).

18. Execution and return thereof, including docketing, two dollars ($2.00), and certifying return to clerk of any county where judgment is docketed, fifty cents (50c).

19. Filing papers, twenty-five cents (25c) for each paper filed in each case.

20. Fiduciaries, appointment and qualification of, including taking bond and justification and original letters, five dollars ($5.00).

21. Fiduciary letters, each certified copy, long form one dollar ($1.00), short form fifty cents (50c).

22. Guardian ad litem and next friend, appointment of each, two dollars ($2.00).

23. Hearing or trial before clerk, two dollars ($2.00) per hour.

24. Indictment, including presentment, certificate and docketing, one dollar and fifty cents ($1.50) for each person in bill.

25. Impaneling jury, twenty-five cents (25c).

26. Injunction, order, one dollar and fifty cents ($1.50).

27. Judges approval of orders or confirmation, one dollar ($1.00).

28. Judgment, final, civil actions and special proceedings before clerk or judge, one dollar and fifty cents ($1.50).

29. Judgment, final, against each defendant in criminal actions, one dollar and fifty cents ($1.50).

30. Judgment by confession, complete, five dollars ($5.00).

31. Judgment nisi and issuing sci. fa. to a defaulting witness, juror or any bail bond or recognizance, four dollars ($4.00).

32. Justification of sureties, seventy-five cents (75c) each.

33. Lien, docketing and indexing, two dollars ($2.00), plus recording.

34. Motions, entry and record of each, fifty cents (50c).

35. Notices, fifty cents (50c) each, whether mailed or not, and for each name over one in same paper, twenty-five cents (25c) additional.

36. Notary Public qualifying, indexing and mailing certificate to Governor, one dollar ($1.00).

37. Nurses, doctors and pharmacists, registering, including certificates of registration under seal, one dollar ($1.00).

38. Orders, enlarging time for pleading, and all interlocutory orders, whether signed by clerk or judge, one dollar ($1.00).

39. Partnerships or trading under assumed names, registering, one dollar ($1.00), not including recording.

40. Probate of a deed or other writing entitled to be registered which is proven or acknowledged to before a notary public, justice of the peace, or other officer qualified by law to take acknowledgments, each certificate to be passed upon twenty-five cents (25c).

41. Probate of a will in common form, and order, three dollars ($3.00), qualification of fiduciary and letters excepted.

42. Pleadings, noted and filed, each twenty-five cents (25c).

43. Petition, filing and affidavit, one dollar ($1.00).

44. Qualifying justice of the peace, one dollar ($1.00).

45. Recording and copying papers, one dollar ($1.00) for first page and each additional one hundred words, twenty-five cents (25c).

46. Recording transcript of judgment from justice of the peace, including indexing and filing, one dollar ($1.00), and from another county, one dollar and fifty cents ($1.50), including the certificate required.

47. Seal of office, when necessary, fifty cents (50c).

48. Subpoena, each name, twenty-five cents (25c).

49. Summons, issuing original or alias or plures in any action, one dollar and fifty cents ($1.50) each, and for each copy thereof, fifty cents (50c) and for each extension of summons by endorsement, fifty cents (50c).

50. Transcript of judgment, issuing regular form, one dollar ($1.00), with twenty cents (20c) per one hundred words for long form judgment.

51. Transcript of any matter on record or on file, one dollar ($1.00) per page and each additional one hundred words, twenty-five cents (25c).

52. Verification of any paper on record or on file, ten cents (10c) per one hundred words.

53. Widow's years support, docketing and recording, one dollar and fifty cents ($1.50).

54. Jury tax, civil or criminal, six dollars ($6.00) each day jury is used in the case, minimum six dollars ($6.00). If after the trial is begun in a criminal case, jury impaneled and court stenographer started to take evidence, in the event the defendant pleads guilty, without the jury passing upon same, jury tax and stenographer fee to be charged according to schedule.

55. Stenographer, court stenographer, a minimum of five dollars ($5.00) to be charged in all civil and criminal cases. Maximum charge ten dollars ($10.00) per day in any one case.

56. Habeas Corpus, seven dollars and fifty cents ($7.50) for entire proceedings.

Sec. 2. All costs, commissions and fees for services rendered by the clerk in all civil actions, criminal actions and special proceedings pending in the Superior Court of Hertford County and the Hertford County Recorder's Court on the date of ratification of this Act shall be computed, charged and collected as herein provided.

Sec. 3. This Act shall apply to Hertford County only.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

H. B. 888 CHAPTER 621

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LENOIR COUNTY, IN ITS DISCRETION, TO MAKE A LIMITED APPROPRIATION FOR THE PURPOSE OF ESTABLISHING AN AGRICULTURAL CENTER IN THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 926 of the Session Laws of 1953 is hereby repealed.

Sec. 2. The Board of County Commissioners of Lenoir County is hereby authorized and empowered, in its discretion, to appropriate, make available and expend, not to exceed the sum of seventy thousand dollars ($70,000.00), from unappropriated surplus funds available from sources other than from ad valorem taxes, for the purpose of acquiring a tract or tracts of land and for the purpose of building and constructing on the land acquired an agricultural center, arena or place of exhibit for the purpose of exhibiting livestock and agricultural products and commodities. The tract or tracts of land acquired pursuant to the authority of this Act shall be of suitable acreage to permit physical expansion and to accommodate outdoor exhibits, expositions or fairs having to do with the general agricultural development of said county and area. The Board of County Commissioners of Lenoir County is further authorized and empowered, in its discretion, to make an annual appropriation from funds available other than ad valorem tax funds for the operation, maintenance and repair of the agricultural center.

Sec. 3. If the said Board of County Commissioners of Lenoir County shall, in its discretion, determine that said appropriation shall be made available and expended as authorized in Section 2 of this Act, then said board of county commissioners is hereby authorized and empowered to negotiate and enter into a contract for the construction of said agricultural center or arena as described in Section 1 of this Act and said contract may be negotiated and entered into by private negotiations for the best contract price available and without complying with the Public Contracts Act or the Board of County Commissioners of Lenoir County may let said contract to the highest bidder in compliance with the Public Contracts Act of the State. The said board shall use its discretion and negotiate said contract privately or publicly as, in its judgment, it considers for the best interest of the people of the county and for the purpose of attaining the objectives herein expressed.

Sec. 4. The Board of Commissioners of Lenoir County is authorized and empowered, in its discretion, to appoint a building committee of not

to exceed five persons, which shall be authorized and empowered by said board to conduct preliminary negotiations in regard to the contract for the purchase of the tract or tracts of land and in regard to the construction contract, and if and when the contracts are approved by said board of commissioners and entered into, the said board of commissioners may delegate to the said committee the authority to attend to and supervise the details of construction, the expenditure of funds, and to do any and all things in connection with the construction of the agricultural center as said board of commissioners would be authorized to do, subject, however, to the approval of said board of county commissioners.

Sec. 5. Before exercising its discretion to acquire a tract or tracts of land and expending funds to construct an agricultural center, the board of county commissioners, in order to determine the sentiments of the people of Lenoir County, shall hold a public hearing after giving notice of the time, place and purpose of the public hearing once a week for two successive weeks in a newspaper having general circulation and published in Lenoir County. At such public hearing, a discussion shall be had to determine if the people of Lenoir County are favorable to acquiring a tract or tracts of land and expending funds for the construction of an agricultural center thereon.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1955.

S. B. 86 **CHAPTER 622**

AN ACT TO PROTECT FIRE INSURANCE POLICYHOLDERS FROM DECEPTION, BY REQUIRING RESTRICTIVE CLAUSES IN POLICIES TO BE PRINTED IN LARGE TYPE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-176 is hereby amended by adding thereto, at the end of subsection (2), the following:

"No provision in any fire insurance policy or in any extended coverage endorsement or other endorsement or rider, providing for an exclusion from the perils covered by the policy, endorsement or rider, issued on or after July 1, 1955, shall be valid unless such provision is printed in type which shall not be smaller than eight point type and in such other form and arrangement as shall be approved by the Commissioner of Insurance; provided, that the issuance of a renewal certificate of an annual renewal policy shall not be considered the issuance of a policy, endorsement or rider within the meaning of this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the 1st day of July, 1955.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

S. B. 264 CHAPTER 623

AN ACT RELATING TO THE SUPPORT OF PERSONS IN THE BEAUFORT COUNTY NURSING HOME AND THE PAYMENT OF BURIAL EXPENSES BY BEAUFORT COUNTY SHALL BE A LIEN ON REAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a general lien enforceable as hereinafter provided upon the real property of any person who is supported in the Beaufort County Nursing Home or any person whose burial expenses are paid by Beaufort County, to the extent of the total amount paid from and after July 1, 1955.

(A) Before any application for admittance to the Beaufort County Nursing Home is approved under the provisions of this Act, the applicant shall agree that all such expenses incurred as to his maintenance shall constitute a claim against him and against his estate, enforceable according to law. Such agreement may be contained in the application signed by the applicant. Any time after the approval of an application to the Beaufort County Nursing Home, a statement showing the name of the applicant and the date of approval of the application shall be filed in the office of the Clerk of the Superior Court in each county in which such applicant then owns or later acquires real property. The statement shall be filed in the regular lien dockets and shall be cross-indexed showing the name of the county as the owner. From the time of filing, such statement shall be and constitute due notice of a lien against the real property then owned or thereafter acquired by the applicant to the extent of the total amount of maintenance expenses to such applicant from and after July 1, 1955.

(B) Any burial expenses paid by Beaufort County for any person shall constitute a lien on such deceased person's estate. The lien thus established shall be filed in the office of the Clerk of the Superior Court in each county in which the deceased owned real property. The statement shall be filed in the regular lien docket and shall be cross-indexed showing the name of the county filing said lien as the claimant and the deceased as owner. From the time of filing, such statement shall be and constitute due notice of a lien against the real property owned by the deceased and lying in such county to the extent of the total amount of burial expenses paid for the deceased from and after July 1, 1955.

The lien thus established shall take priority over all other liens subsequently acquired as hereinafter provided, and shall continue from the date of filing until satisfied; provided, that no action to enforce such lien may be brought more than ten (10) years from the last day for which main-

tenance is paid, nor more than three years after the death of any recipient of such support, nor more than three years after payment of the burial expenses of the deceased: Provided further, that no execution in enforcement of the lien shall be levied upon any real property, so long as such property is occupied as a homesite by the surviving spouse or by any minor dependent children of the recipient.

Within three years after the death of any person who has received support at the Beaufort County Nursing Home, or three years after payment of the burial expenses of the deceased, reimbursement for which has not been made, the County Attorney of Beaufort County shall file a claim against such person's estate. The claim shall be for the total amount paid by Beaufort County on and after July 1, 1955 and said claim shall have equal priority in order of payment with the sixth class under Section 28-105 of the General Statutes of North Carolina: Provided, that no such claim shall be satisfied out of any real property so long as such property is occupied as a homesite by the surviving spouse or by any minor dependent child or children of the recipient, or by a dependent adult child or children of such recipient who is incapable of self-support because of total mental or physical disability.

The County of Beaufort shall be entitled to any sum collected under the provisions of this Act. All necessary costs incurred in the collection of any claim shall be borne by the County of Beaufort. The Beaufort County Nursing Home within sixty (60) days after the death of the person receiving such support shall notify the county attorney of the death of such person.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

S. B. 281 CHAPTER 624

AN ACT RELATING TO THE INCORPORATION OF THE TOWN OF YAUPON BEACH, NORTH CAROLINA IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The inhabitants of the Town of Yaupon Beach, Brunswick County, within the boundaries hereinafter established, are hereby incorporated under the name of the Town of Yaupon Beach, and same is hereby created a body politic and corporate; and shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina; except, however, one dollar and fifty cents ($1.50) will be the most tax that can be levied per one hundred dollars ($100.00) valuation.

Sec. 2. Corporate Limits. BOUNDED on the South by the Atlantic Ocean, on the East by the present highway leading from Inland Waterway Bridge to Fort Caswell and extended to the Atlantic Ocean, on the

North by the run of Elizabeth River and on the West by Middleton Avenue as shown on the map of Yaupon Village made by H. R. Hewett, May 7, 1953, recorded in Map Book 3 at page 112, Brunswick County Register of Deeds Office to which reference is hereby made.

Sec. 3. The officers of said municipality shall consist of a mayor and five (5) commissioners, to wit:

Mayor, W. C. Norton;

Commissioners, G. V. Barbee, John L. Barbee, Robert Sellars, Adolph Mercer and G. W. McGlamery. Each is appointed for a term of two years and until their successors have been duly elected and have qualified. The mayor and commissioners will constitute the governing body of said municipality.

CORPORATE POWERS

Sec. 4. The inhabitants of Yaupon Beach, North Carolina, within the boundaries as established in Section 2 of this Act shall be a body politic and corporate by the name of Yaupon Beach, North Carolina, Brunswick County, North Carolina, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without said boundary for any municipal purpose, in fee simple or lesser estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interest may require, and except as prohibited by the Constitution of North Carolina or restricted by this Charter, the town Yaupon Beach shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Yaupon Beach by this Section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenue thereof, or of both, including the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) To organize and administer public libraries.

(6) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of commissioners shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 5. Enumerated Powers Not Exclusive.—The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Yaupon Beach shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners.

BOARD OF COMMISSIONERS

Sec. 6. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this Charter all powers of the town shall be vested in a board of commissioners of five members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and of the board of commissioners shall be for two years and until their successors are elected and have qualified, and shall begin on the first Monday of June, 1955. If a vacancy occurs in the office of mayor or commissioner, it shall be filled by the board of commissioners for the unexpired term. Each member of the board of commissioners shall receive such salary as is prescribed by ordinance. The mayor shall rceeive such salary as is provided by ordinance. The mayor and members of the board of commissioners shall be qualified electors of the town. The mayor or member of the board of commissioners ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office, shall immediately forfeit his office.

Sec. 7. Meetings of the board of commissioners shall be held at 8:00 p.m. on the first Friday of each month following their election, at a regular municipal election. The board of commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of commissioners. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be considered. All meetings of the board of commissioners and of committees thereof shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

Sec. 8. Mayor and Mayor Pro Tem.—At its first meeting in the month of June following a regular municipal election, the board of commissioners

shall choose one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this Charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for the purpose of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by a vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Sec. 9. Board of Commissioners Rules.—The board of commissioners shall be the judge of the election and qualifications of its members and of the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all books, records, and papers; but the decision of the board of commissioners in any such case shall be subject to review by the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of its proceedings.

Sec. 10. Quorum.—A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less member may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinances, resolutions, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interest are involved.

Sec. 11. Introduction and Passage of Ordinances and Resolutions.—Ordinances and resolutions shall be introduced in the board of commissioners only in writing or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriation. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Yaupon Beach."

Sec. 12. Effective Date of Ordinances, Resolutions and Emergency Measures.—Ordinances making the annual tax levy, appropriations, pertaining to local improvements and assessments, and resolutions directing any investigation of town affairs, requesting information from administrative officers or directing administrative action and emergency measures shall take effect at the time indicated therein. All other ordinances and

resolutions shall take effect at the time indicated therein, but not less than ten days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least four members of the board of commissioners shall be required to pass any ordinance or resolution as an emergency measure. No ordinance amending a grant, renewing or extending a franchise or other special privilege shall be passed as an emergency measure. No situation shall be declared an emergency by the board of commissioners except as defined in this Section, which shall be strictly construed by the courts.

Sec. 13. Authentication and Publication of Ordinances and Resolutions.—Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage, a notice setting forth in brief the substance of each ordinance shall be published or posted at least once in such manner as the board of commissioners may prescribe.

NOMINATIONS AND ELECTIONS

Sec. 14. Municipal Elections.—The regular election for the choice of mayor and members of the board of commissioners shall be held on Tuesday following the first Monday in May in odd numbered years. The board of commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 15. Regulations of Elections.—All elections shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein.

Sec. 16. Nominations.—Any qualified elector of the town may become a candidate for mayor or the board of commissioners by filing a notice of his desire to seek such office with the town clerk not more than sixty nor less than thirty days prior to the date of said election. The town clerk shall take and preserve the name and address of the persons seeking the various offices to be filled. Any candidate may withdraw his name not later than the last day for filing notice of candidacy.

Sec. 17. Ballots.—The full names of all candidates seeking the office of mayor or board of commissioners in accordance with the provisions of this Charter, shall be printed on the official ballots in alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Sec. 18. Election of Mayor and Board of Commissioners.—All members of the board of commissioners shall be elected at large. Every voter

shall be entitled to vote for one candidate for mayor and for as many candidates as there are members to be elected to the board of commissioners. All candidates up to the number to be elected, who receive the largest number of votes shall be declared elected.

ADMINISTRATIVE SERVICE

Sec. 19. Appointment of Officers and Employees.—The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment: Provided, that the board of commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 20. Town Clerk.—The board of commissioners shall choose a town clerk. The town clerk shall keep the records of the board of commissioners and perform such other duties as may be required by law or the board of commissioners.

Sec. 21. Duties of Town Attorney.—The attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least five years. He shall be the chief legal adviser of and attorney for the town and all departments and officers thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the department of law; to attend all meetings of the board of commissioners; to give advice in writing, when so requested to the board of commissioners or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party; to prepare all contracts, bonds and other instruments in writing in which the town is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the board of commissioners may require. In addition to the duties imposed upon the town attorney by this Charter or required of him by ordinances or resolutions of the board of commissioners he shall perform any duties imposed upon the chief legal officers of municipalities by law.

Sec. 22. Duties of Town Accountant.—The town accountant shall prepare the budget in accordance with the general local government laws of the State of North Carolina relating to the preparation of municipal budgets. He shall have authority and shall be required: To maintain accounting control over the finances of the town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the town, keep cost records as may be required by ordinance or by the board of commissioners for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the town government; to examine and approve all contracts, orders

and other documents by which the town incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, pay rolls, and other evidences of claims, demands or charges against the town government and to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expenditures of the town government to the mayor and board of commissioners and to take monthly reports on funds appropriations, allotments, encumbrances, and authorize payments to the mayor, the board of commissioners, and the head of the departments or agencies directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained by any department or agency of the town government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the town government as the board of commissioners may require by ordinance.

Sec. 23. Duties of the Town Tax Collector.—Tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this Charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of the State of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository all money belonging to the town.

Sec. 24. Duties of Town Treasurer.—The treasurer, if any, shall have custody of and shall distribute all money belonging to the town government subject to the provisions of this Charter and ordinances enacted thereunder; he shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration or exchange.

Sec. 25. Custody of Town Money.—All money received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the board of commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on money belonging to the town shall accrue to the benefit of the town government. All money belonging to the town government shall be disbursed only on vouchers signed by the mayor and countersigned by the town clerk.

Sec. 26. Issuance of Bonds.—The town may issue bonds for the purpose and in the manner prescribed by the general laws of the State of North Carolina for the issuance of bonds by municipalities.

Sec. 27. Purchase Procedure.—Before making any purchase for supplies, materials, equipment, opportunity shall be given for competition,

under such rules and regulations, and with such exceptions, as the board of commissioners may prescribe. All expenditures for supplies, materials, equipment, involving more than one thousand dollars ($1,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by the board of commissioners.

Sec. 28. Contracts for Town Improvements.—Any town improvement costing more than twenty-five hundred dollars ($2,500.00) shall be executed by contract except where such improvement is authorized by the board of commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than twenty-five hundred dollars ($2,500.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the board of commissioners shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of commissioners.

Sec. 29. Independent Audit.—As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The result of this audit shall be published immediately upon completion.

MISCELLANEOUS PROVISIONS

Sec. 30. Publicity of Records.—All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners, except records and documents the disclosure of which would tend to defeat the lawful purpose for which they are intended to accomplish.

Sec. 31. Personal Interest.—Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services, except on behalf of the town as an officer or employee. Any willful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of commissioners.

Sec. 32. Oath of Office.—Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the Charter

and ordinances of the Town of Yaupon Beach and will faithfully discharge the duties of the office of....."

Sec. 33. Saving Clause.—If any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the Charter. The provisions of this Charter shall supersede all laws and ordinances not consistent herewith, in so far as the Town of Yaupon Beach is affected thereby.

Sec. 24. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

S. B. 341 CHAPTER 625

AN ACT TO AMEND G. S. 28-47 RELATING TO NOTICE TO CREDITORS AND ADVERTISEMENT FOR CLAIMS.

The General Assembly of North Carolina do enact:

Section 1. Section 28-47 of the General Statutes is hereby amended by rewriting the third sentence of said Section to read as follows:

"If there is no newspaper published in the county, but there is a newspaper having general circulation in the county, then at the option of the executor, administrator, or collector, the notice shall be published in the newspaper having general circulation in the county and posted at the courthouse or the notice shall be posted at the courthouse and four other public places in the county."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

S. B. 372 CHAPTER 626

AN ACT TO PROVIDE FOR THE RECALL OF ELECTED OFFICIALS OF THE CITY OF STATESVILLE BY THE PEOPLE.

The General Assembly of North Carolina do enact:

Section 1. The holder of any elective office serving in the municipal government of the City of Statesville, North Carolina, may be removed at any time by the electors qualified to vote for a successor of such incumbent.

Sec. 2. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 25 per centum of the entire vote for all candidates for the office of mayor cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the clerk; which petition shall contain a

general statement of the ground for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his or her signature his or her place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

Sec. 3. Within ten (10) days from the date of filing of such petition the city clerk shall examine and from the voters' register ascertain whether or not the petition is signed by the requisite number of qualified electors, and he shall attach to the petition his certificate, showing the results of such examination. If by the clerk's certificate it is shown to be insufficient, it may be amended within ten (10) days from the date of the certificate. The clerk shall, within ten (10) days after such amendment, make a like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the board of aldermen without delay.

Sec. 4. If the petition shall be found to be sufficient, the board of aldermen shall order and fix a date for holding a primary, as provided in cases preceding regular elections, the primary to be held not less than ten (10) days or more than twenty (20) days from the date of the clerk's certificate to the board of aldermen that a sufficient petition is filed. If in the primary election any candidate receives a majority of all the votes cast, he shall be declared to be elected to fill out the remainder of the term of the officer who is sought to be recalled. If there be more than two candidates in such primary and no one receives a majority of all the votes cast therein, then there shall be an election held within twenty (20) days from the date of the primary, at which election the two candidates receiving the highest vote in the primary shall be voted for. Candidates' names shall be placed on the ticket in the primary and election held, and the results canvassed, under the same rules, conditions, and regulations as are prescribed for the primaries preceding regular elections. The board of aldermen shall make or cause to be made publication for ten (10) days of notice and all arrangements for holding such elections, and the same shall be conducted, returned, and the results thereof declared in all respects as other city elections.

Sec. 5. The successor of any officer so removed shall hold office during the unexpired term of his or her predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he or she requests otherwise in writing, the clerk shall place his or her name on the official ballot without nomination. At such elections, if some other person than the incumbent is elected the incumbent shall thereupon be deemed removed from the office upon qualification of his successor.

Sec. 6. In case the party elected should fail to qualify within ten (10) days after receiving notification of election, the office shall be deemed

vacant, and in that event the unexpired term shall be filled by election by the board of aldermen but the alderman removed shall not be eligible to election by the board, and the person so elected by the board shall be subject to recall as other aldermen. If the incumbent received a majority of the votes in the primary election he shall continue his office.

Sec. 7. Such method of removal shall be cumulative and additional to any other method provided by law. In the event any officer is recalled and any person is elected as his successor, the right of recall of such successor so elected shall be as in case of an officer originally elected.

Sec. 8. This Act shall be in full force and effect from and after the date of its passage.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

S. B. 394 CHAPTER 627

AN ACT PROVIDING FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF RALEIGH, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the City of Raleigh, Wake County, North Carolina, are hereby extended so that they shall embrace within the corporate limits the following additional territory:

Beginning at the point of intersection of the western right of way of Faircloth Street with the center line of the southwest prong of Beaver Dam Creek; thence in a northerly direction along the western line of Faircloth Street, said line being the existing city limit line, a distance of 130 feet, more or less; thence in an easterly direction perpendicular to the western right of way line of Faircloth Street a distance of 60 feet, more or less, to a point, said point being the southwest corner of the "Ridgewood Property" as shown on a plat prepared by Joseph N. Farlow, Consulting Engineer, dated June 1952; thence in a northwesterly direction a distance of 1160.2 feet, more or less, along the southern line of the "Ridgewood Property" to a point, said point being the southeast corner of the said "Ridgewood Property", and also being in the West line of the "Dixie Forest Subdivision" as shown on a plat prepared by Fred Habel, Registered Engineer, dated January, 1955; thence in a southerly direction along the West line of the "Dixie Forest Subdivision" a distance of 100 feet, more or less, to the center line of the southwest prong of Beaver Dam Creek, said center line being the existing city limit line; thence in a southwesterly direction along the said center line of the creek a distance of 1240 feet, more or less, to the point of Beginning.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

S. B. 413 **CHAPTER 628**

AN ACT TO AMEND CHAPTER 1160 OF THE SESSION LAWS OF 1953, RELATING TO THE FILING OF PAPERS BY CLERKS OF THE SUPERIOR COURT, TO INCLUDE WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1160 of the Session Laws of 1953 be and it is hereby amended by adding after the word "Buncombe" in the second line of said Section the word "Watauga". Further amend Section 2 of said Act by adding after the word "Buncombe" in line 2 of said Section the word "Watauga".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

H. B. 232 **CHAPTER 629**

AN ACT RELATING TO CONVEYANCES BY THE UNITED STATES OF AMERICA ACTING BY AND THROUGH THE GENERAL SERVICES ADMINISTRATION.

The General Assembly of North Carolina do enact:

Section 1. That Article 4, Chapter 47 of the General Statutes of North Carolina, as contained in Volume 2A and the 1953 Supplement thereto, be and the same is hereby amended by adding a new Section at the end thereof to be numbered § 47-108.14 and reading as follows:

"§ 47-108.14. The United States of America, acting by and through the General Services Administration may convey lands and other property in the State of North Carolina which is transferable by deed, quitclaim deed, or other means of conveyances without the Regional Director or other duly authorized agent acting for and on behalf of the United States of America, adopting or placing a 'Seal', in any form, after the signature of the grantor's agent, or elsewhere on said deed, quitclaim deed, or other instrument, and the conveyances of the United States of America acting by and through the General Services Administration, and executed by its Regional Director or other duly authorized agent, although without a 'Seal' appearing thereon, shall be in all respects valid and binding to the same extent as if the word 'Seal' or some other type of seal, appeared after the signature of the grantor's agent, or elsewhere on said conveyances.

"All conveyances prior to the ratification of this Act where any deed, quitclaim deed, or other instrument conveying land or other property in the State of North Carolina has been executed by the United States of America, by and through the General Services Administration, and said conveyances are authorized or required to be registered in the office of the

register of deeds of any county in this State, and it appears from said instrument, or said instrument as recorded in the office of the register of deeds of any county in this State, that a seal has been omitted from said instruments, that notwithstanding the absence of a seal all such conveyances are hereby declared to be in all respects valid and binding to convey lands and property rights in the State of North Carolina to the grantees named therein, to the same extent as if the word 'Seal', or a seal in some other form, had appeared after the signature of the grantor's agent, or elsewhere on said conveyances, and the registration and recording of such conveyances in the office of the register of deeds in all counties in this State are hereby declared to be valid, proper, legal and binding registrations to the same extent as if such conveyances were executed under seal."

Sec. 2. This Act shall not apply to pending litigation in which the title to any of the properties of the United States of America, then under the supervision of the General Services Administration, is in question.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

H. B. 474 CHAPTER 630

AN ACT TO AMEND ARTICLE 21A, CHAPTER 106 OF THE GENERAL STATUTES, VOLUME 3A, RELATING TO THE ENRICHMENT OF FLOUR, BREAD, CORN MEAL AND GRITS.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 106-219.2 of Volume 3A of the General Statutes by striking out subsection (5) of said Section and by inserting in lieu thereof the following:

"(5) 'Corn meal' means all types of corn meal intended for human consumption."

Further amend said Section by striking out subsection (6) of same and by inserting in lieu thereof the following:

"Subsection (6). 'Corn grits' means all types of corn grits intended for human consumption."

Further amend said Section by striking out subsection (7) and by inserting in lieu thereof the following:

"Subsection (7). 'Enriched' means restored or brought up to content of vitamins and minerals as described in this Article."

Further amend said Section by adding thereto a new subsection to be designated as subsection (8), which shall read as follows:

"(8) 'North Carolina Food, Drug and Cosmetic Act' refers to Article 12 of this Chapter."

Sec. 2. Amend subsection (a) of G. S. 106-219.3, Volume 3A, by

striking out the words "degerminated corn meal, and degerminated hominy grits" in the first line of said subsection (a).

Further amend said Section by adding thereto, after subsection (b), a new subsection to be designated as subsection (c), which shall read as follows:

"Subsection (c). Corn meal and corn (hominy) grits shall contain in each pound not less than two (2.0) and not more than three (3.0) milligrams of vitamin B_1 (thiamine); not less than one and two tenths (1.2) and not more than one and eight tenths (1.8) milligrams of riboflavin; not less than sixteen (16.0) and not more than twenty-four (24.0) milligrams of niacin (nicotinic acid); not less than thirteen (13.0) and not more than twenty-six (26.0) milligrams of iron."

Further amend said Section by striking out the designation "(c)" which now appears as a subsection in said Section and by inserting in lieu thereof "(d)" and by striking out "(d)" which is now the designation of a subsection of said Section and by inserting in lieu thereof "(e)".

Further amend the present subsection (d), which has been changed to subsection (e) by the above amendment, by striking out, in the first line of said subsection, the following:

"(a)" and "(b)" and by inserting in lieu thereof the following:

"(a)", "(b)" and "(c)".

Sec. 3. Amend G. S. 106-219.4, Volume 3A, by striking out in the first line of subsection (a) of said Section, the following:

"degerminated grits or degerminated corn meal" and by inserting in lieu thereof the words "corn meal and corn grits".

Further amend said Section by striking out subsection (b) and by inserting in lieu thereof the following:

"(b) To whole wheat flour or bread made from the entire wheat berry; provided, that flour or bread made from the whole wheat berry, or various parts thereof, mixed with white flour shall contain vitamins and minerals equal to that required for the respective enriched products as defined in Section 3 (a) and (b).

"(c) To the further enrichment of the products covered in this Act when done so as to comply with standards and labeling requirements under the North Carolina Food, Drug and Cosmetic Act."

Further amend said Section by striking out the present designation of subsection (c), which is the last paragraph in said Section, and by inserting in lieu of said designation the following:

"(d)".

Sec. 4. Amend G. S. 106-219.6, Volume 3A, by striking out in line 3 the following:

"(c)",

and by inserting in lieu thereof

"(d)".

Sec. 4-½. Nothing in this Act shall prevent the manufacture and sale of plain or enriched corn meal or grits when labeled as such; nor shall this Act apply to corn raised, ground and consumed, within the borders of any county.

Sec. 5. G. S. 106-219.9, Volume 3A, is hereby repealed and said Section is changed to read as follows:

"This Act shall not apply to the delivery by a miller to a producer or owner of corn meal or corn grits, ground by the miller from the producer's or owner's corn for use in the producer's or owner's own home when the miller is paid in corn for such milling service; however, if said producer or owner desires the health benefit for his family and requests enrichment the miller is required by this Act to enrich according to the hereinbefore mentioned standards."

Sec. 5-½. The provision of this Act shall not apply to grist mills operated by two or less employees.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after January 1, 1956.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

H. B. 489 CHAPTER 631

AN ACT TO GIVE THE BOARD OF CONSERVATION AND DEVELOPMENT, ACTING THROUGH THE COMMERCIAL FISHERIES COMMISSION, THE POWER AND AUTHORITY TO REGULATE THE TAKING OF FISH FROM THAT PART OF THE WATERS OF THE YEOPIM RIVER AND ITS TRIBUTARIES WHICH LIES AND FLOWS WITHIN THE BORDERS OF PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Conservation and Development, acting through the Commercial Fisheries Commission, shall have the power and authority to promulgate regulations, regulate, and control the manner, methods and devices of any and all descriptions whatsoever which shall be adopted and used for the taking of fish from all that portion of the Yeopim River, from Albemarle Sound up said river to a line drawn across said Yeopim River from Deep Water Point in Perquimans County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

H. B. 534 CHAPTER 632

AN ACT TO AMEND G. S. 105-53, RELATING TO PEDDLERS, INSOFAR AS THE SAME IS APPLICABLE TO HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (g) of G. S. 105-53 is hereby amended by striking out the words and figures "twenty-five dollars ($25.00)" in the last line of

said subsection and inserting in lieu thereof the words and figures "one hundred dollars ($100.00)". The provisions of the first sentence of this Section shall not be applicable to any person, firm or corporation when ninety per cent (90%) of the goods, wares or merchandise ordinarily sold by such person, firm or corporation consist of medicines, household remedies, spices, extracts, food products, toiletries, insecticides, stock and poultry preparations and kindred products.

Sec. 2. This Act shall apply only to Hyde County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective June 1, 1955.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

H. B. 643 CHAPTER 633

AN ACT RELATING TO THE APPOINTMENT OF OFFICERS OF THE RECORDER'S COURT OF THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

Section 1. Section 21 of Chapter 96 of the Private Laws of 1913, is amended by adding at the end thereof the following:

"Any qualified elector of Gastonia Township in Gaston County shall be eligible for appointment or election to the office of judge, prosecuting attorney, clerk or any other appointive or elective office of said court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

H. B. 711 CHAPTER 634

AN ACT RELATING TO GRAND JURORS IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Grand jurors in Onslow County now serving in such capacity shall continue to serve until their successors are selected and qualified.

Sec. 2. Chapter 423 of the Public-Local and Private Laws of 1937 is repealed.

Sec. 3. G. S. 9-25 is amended by adding at the end thereof the following:

"At the first term of Superior Court for the trial of criminal cases in Onslow County after July 1, 1955, there shall be chosen a grand jury as now provided by law, and the first nine members of said jury chosen at said term shall serve until the first term of said court for the trial of criminal cases after July 1, 1956, and the second nine members of said

jury so chosen shall serve until the first term of said court for the trial of criminal cases after January 1, 1956; and thereafter at the first term of Criminal Court after the first days of January and July of each year there shall be chosen nine members of said grand jury to serve until the first term of Criminal Court in said county after the first days of January and July, respectively, of each succeeding year. In the event of vacancies occurring in the grand jury of said county, the judge holding the court of said county may, in his discretion, order a new juror drawn to take the oaths prescribed and to fill any vacancy occurring thereon."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

H. B. 729 CHAPTER 635

AN ACT AMENDING G. S. 9-25 RELATING TO THE MANNER OF SELECTING THE GRAND JURY IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 9-25, as the same appears in the 1953 Cumulative Supplement to Volume 1B of the General Statutes, be and the same is hereby amended by adding at the end thereof the following paragraph:

"At the first term of the Superior Court for the trial of criminal cases held in Madison County after the ratification of this Act, there shall be chosen a grand jury as now provided by law, and the first nine members of said jury chosen at said term shall serve until the first term of said court for the trial of criminal cases after January 1, 1956, and the second nine members of said jury so chosen shall serve until the first term of said court for the trial of criminal cases after July 1, 1956; and thereafter at each term of criminal court after the first days of January and July of each year, there shall be chosen nine members of said grand jury to serve until the first term of criminal court in said county after the first days of January and July, respectively, of each succeeding year."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

H. B. 741 CHAPTER 636

AN ACT FIXING THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

Section. 1. The Clerk of the Superior Court of Ashe County shall receive a salary of twenty-four hundred dollars ($2400.00) per year, payable

from the general fund of the county in twelve equal monthly installments. Said salary shall constitute full compensation for the performance of his duties as Clerk of the Superior Court and as Judge of the Juvenile Court of Ashe County.

Sec. 2. That in addition to the compensation provided for in Section 1 of this Act, said Clerk of the Superior Court shall receive and retain all fees and commissions to which he is now entitled by law, except those fees for the payment of which Ashe County has been heretofore liable.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

H. B. 771 CHAPTER 637

AN ACT TO AMEND G. S. 7-393 RELATING TO APPEALS FROM THE COUNTY CRIMINAL COURT OF BURKE COUNTY TO THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. Subsection (d) of G. S. 7-393 is amended by adding at the end thereof the following:

"In Burke County, an appeal to the Superior Court may be withdrawn at any time within ten days prior to the convening of the term of Criminal Court to which the appeal has been taken."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

H. B. 775 CHAPTER 638

AN ACT AMENDING G. S. 9-4 TO PROVIDE FOR THE DRAWING OF FORTY-EIGHT JURORS AT TERMS OF THE SUPERIOR COURT OF SCOTLAND COUNTY AT WHICH A GRAND JURY IS TO BE SELECTED.

The General Assembly of North Carolina de enact:

Section 1. That G. S. 9-4, as the same appears in Volume 1B of the General Statutes and the 1953 Supplement thereto, be and the same is hereby amended by adding at the end thereof the following:

"In Scotland County the Board of Commissioners shall cause to be drawn from the jury box 48 scrolls for the first week of each criminal term of the court at which a grand jury is to be drawn."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

H. B. 852 CHAPTER 639

AN ACT FIXING THE SALARIES OF CERTAIN OFFICIALS OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1, Chapter 788, Session Laws of 1949, as amended by Section 1(a), Chapter 541, Session Laws of 1951, be and the same is hereby rewritten to read as follows:

"Section 1. The salary of the Tax Collector and Tax Supervisor of Hertford County shall be not less than three thousand dollars ($3000.00) per annum nor more than four thousand dollars ($4000.00) per annum, plus an additional amount of six hundred dollars ($600.00) for mileage, to be determined by the board of county commissioners of said county."

Sec. 2. That Section 4, Chapter 788 Session Laws of 1949, as amended by Section 1(d), Chapter 541, Session Laws of 1951, be and the same is hereby rewritten to read as follows:

"Sec. 4. The salary of the County Accountant of Hertford County shall be not less than three thousand dollars ($3000.00) per annum nor more than four thousand dollars ($4000.00) per annum to be determined by the board of county commissioners of said county."

Sec. 3. That Section 5, Chapter 788, Session Laws of 1949, as amended by Section 1(e), Chapter 541, Session Laws of 1951, be and the same is hereby rewritten to read as follows:

"Sec. 5. The salary of the Sheriff of Hertford County shall be not less than twenty-four hundred dollars ($2400.00) per annum nor more than thirty-six hundred dollars ($3600.00) per annum to be determined by the board of county commissioners of said county. All fees collected by the sheriff, except fees for services of deputy sheriffs, shall be paid over by him into the general fund of the county."

Sec. 4. That Section 7, Chapter 788, Session Laws of 1949, as rewritten by Section 2, Chapter 541, Session Laws of 1951, be and the same is hereby again rewritten to read as follows:

"Sec. 7. The salary of the Assistant Clerk of the Superior Court of Hertford County shall be not less than eighteen hundred dollars ($1800.00) per annum nor more than twenty-four hundred dollars ($2400.00) per annum to be determined by the board of county commissioners of said county."

Sec. 5. That Section 8, Chapter 788, Session Laws of 1949, as rewritten by Section 3, Chapter 451, Session Laws of 1951, be and the same is hereby again rewritten to read as follows:

"Sec. 8. The salary of the Assistant Register of Deeds of Hertford County shall be not less than eighteen hundred dollars ($1800.00) per annum nor more than twenty-four hundred dollars ($2400.00) per annum to be determined by the board of county commissioners of said county."

Sec. 6. That Section 9, Chapter 541, Session Laws of 1951, be and the same is hereby rewritten to read as follows:

"Sec. 9. The salary of the clerical assistant to the Tax Collector of Hertford County shall be not less than eighteen hundred dollars ($1800.00) per annum nor more than twenty-four hundred dollars ($2400.00) per annum, to be determined by the board of county commissioners of said county."

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

S. B. 322 CHAPTER 640

AN ACT TO AMEND G. S. 53-122 SO AS TO IMPROVE THE OPERATION OF THE OFFICE OF THE COMMISSIONER OF BANKS, AND TO PREVENT THE UNNECESSARY ACCUMULATION OF SURPLUS FUNDS IN SAID OFFICE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 53-122 subsection (E) is hereby amended by deleting the comma at the end thereof and adding the following: "provided such expenses and compensation may exceed the total fees collected in any year when surplus funds are available".

Sec. 2. G. S. 53-122 subsection (F) is amended by adding a new sentence at the end thereof to read as follows: "Such fees shall be reduced whenever a surplus exists which exceeds the estimated cost of operating the office of the Commissioner of Banks for one year, even if such reduction shall result in the collection of a smaller sum than the estimated cost of maintaining the office of the Commissioner of Banks for that year."

Sec. 3. This Act shall be in full force and effect upon ratification.

Sec. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 273 CHAPTER 641

AN ACT TO AMEND SECTION 28-105 OF THE GENERAL STATUTES RELATING TO THE ORDER OF THE PAYMENT OF DEBTS.

The General Assembly of North Carolina do enact:

Section 1. Section 28-105 of the General Statutes is hereby amended to add to line five, after the words "Funeral expenses," the following:

"to the extent of six hundred dollars ($600.00). This limitation shall not include cemetery lot or gravestone". Nothing herein contained shall be construed to affect the provisions of G. S. 28-120, or 28-120.1.

Sec. 2. Subject to Section 1, above, all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955; provided, however, this Act shall not apply to funerals contracted for prior to July 1, 1955.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 531 CHAPTER 642

AN ACT TO AMEND CHAPTER 69 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO POWERS OF COMMISSIONER IN INVESTIGATIONS OF ARSON, UNLAWFUL BURNINGS AND FRAUD.

The General Assembly of North Carolina do enact:

Section 1. The last sentence of G. S. 69-2 is amended to read as follows:

"If he is of the opinion that there is evidence to charge any person or persons with the crime of arson, or other wilful burning, or fraud in connection with the crime of arson or other wilful burning, he may arrest with warrant or cause such person or persons to be arrested, charged with such offense, and prosecuted, and shall furnish to the solicitor of the district all such evidence, together with the names of witnesses and all other information obtained by him, including a copy of all pertinent and material testimony taken in the case."

Sec. 2. Article 1 of Chapter 69 of the General Statutes is amended by adding a new Section immediately following G. S. 69-3, to be designated as G. S. 69-3.1, and to read as follows:

"G. S. 69-3.1. The failure of a person to comply with a summons or subpoena of the Commissioner of Insurance or his deputy under G. S. 69-3 shall be brought before a court of record and punished as for contempt in the same manner as if he had failed to appear and testify before said court of record."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 598 CHAPTER 643

AN ACT TO PERMIT THE REMOVAL OF PROPERTY DEPOSITED ON THE LAND OF ANOTHER BY HURRICANE, OR OTHER ACT OF NATURE.

The General Assembly of North Carolina do enact:

Section 1. Whenever the house, garage, building, or any part thereof, or other property of a person, firm or corporation shall be deposited on the land of another by any hurricane, tornado, tidal wave, flood or other act of nature and is not removed from said land within 30 days after the deposit, the owner of such land may notify in writing the owner of the house, garage, building, or other property of such deposit and may require the owner to remove the property so deposited within 60 days after receipt of the notice. If the owner of the deposited property fails to remove it within 60 days after receipt of the notice, the owner of the land may remove the deposited property and destroy it or may use it as he sees fit without incurring liability to the owner of the deposited property, or may sell it and retain the proceeds for his own use; provided, the amount by which the proceeds of any such sale exceed the cost of removal and sale shall be paid to the owner of the deposited property or held for his account.

If the owner of the land is unable to notify the owner of the deposited property and, after diligent search, the owner of the deposited property cannot be located and notified, the owner of the land may, at any time after the expiration of one hundred and twenty (120) days from the date of the deposit of the property on his land, remove, use, or sell the deposited property in the same manner and under the same restrictions as provided above for removal, use, or sale after notice.

Sales made under this Act may be either public or private sale.

Sec. 2. The provisions of this Act shall apply to all property deposited as provided in this Act, whether such deposit occurred prior or subsequent to the effective date of this Act. In the case of property so deposited prior to the effective date of this Act, the owner of the land may sell, use, or remove the deposited property as provided in Section 1 of this Act at any time after the expiration of 30 days from the giving of the notice or from the effective date of this Act, whichever is later, or, if the owner of the deposited property cannot be found, at any time after the expiration of 30 days from the effective date of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 670 **CHAPTER 644**

AN ACT AMENDING G. S. 97-2(b) AND (c) SO AS TO REMOVE ALLEGHANY FROM THE LIST OF COUNTIES TO WHICH CERTAIN PROVISIONS OF THE WORKMEN'S COMPENSATION ACT APPLY.

The General Assembly of North Carolina do enact:

Section 1. That paragraph (b) of G. S. 97-2, as the same appears in the 1953 Supplement to Volume 2C of the General Statutes, be and the same is hereby amended by adding in the thirty-third line thereof between the words "Avery" and "Bladen" the word "Alleghany".

Sec. 2. That paragraph (c) of G. S. 97-2, as the same appears in Volume 2C of the General Statutes, be and the same is hereby amended by adding in line twelve thereof between the words "Avery" and "Bladen" the word "Alleghany".

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 705 **CHAPTER 645**

AN ACT TO AMEND G. S. 58-97 RELATING TO ASSIGNED RISKS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-97 is hereby amended by striking out the words ". . . . . shall be entitled to dividends at the same rate as other policyholders of the company.", appearing at the end of the last sentence thereof, and by inserting in lieu therefor the following: ". . . . . may be established as a separate class of risks.", so that the last sentence of G. S. 58-97 shall read as follows:

". . . . . The holders of policies of insurance issued by a company in compliance with the orders of any public official, bureau or committee, in conformity with any statutory requirement or voluntary arrangement, for the issuance of insurance to risks not otherwise acceptable to the company, may be established as a separate class of risks."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 750 CHAPTER 646

AN ACT TO MAKE A UNIFORM BILL OF COSTS FOR THE RECORDER'S COURT OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Durham County Recorder's Court shall have a uniform Bill of Costs eliminating the various items now constituting said Bill of Costs and dividing same in four divisions, as follows:

(a) The total costs in scire facias shall be the sum of three dollars ($3.00) in each case.

(b) The total costs for a defendant arrested on a capias after the original costs have been paid shall be the sum of four dollars ($4.00) for each capias for each defendant.

(c) The total costs in which defendants are charged with a violation of the city traffic ordinances shall be the sum of six dollars ($6.00) for each defendant in each case.

(d) The total costs in all other cases and violations not included in subsections a, b, c of this Act shall be the sum of nine dollars ($9.00) for each defendant in each case.

Sec. 2. That all costs collected in the Durham County Recorder's Court, with the exception of the portion of same now disbursed by the clerk of said court, pursuant to Chapter 634 of the Session Laws of 1937 and G. S. 143-166, shall remain in the office of the County Treasurer of Durham County until July 1st of each year and the excess, after deduction of all expenses of said court, shall be paid as now provided, one-half (½) to the City of Durham and one-half (½) to the County of Durham.

Sec. 3. That the Board of County Commissioners of Durham County, when necessary to defray the expenses of operating the Durham County Recorder's Court, shall have the authority to adjust the items of costs outlined in Section 1, subsections a, b, c and d of this Act, and to take effect on the first day of the calendar month following said adjustment.

Sec. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. That this Act shall be in full force and effect on the first day of April, 1955.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 776 CHAPTER 647

AN ACT TO REQUIRE THE APPROPRIATE MARKING OF THE BEGINNING AND THE ENDING OF SPEED ZONES ESTABLISHED ON THE HIGHWAYS OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. Whenever speed zones are established by any agency of the State having authority to establish such speed zones, there shall be erected or posted a sign of adequate size at the beginning point of such

speed zone designating the zone and the speed limit to be observed therein, and there shall be erected or posted at the end of such speed zone an adequate sign indicating the end of such speed zone which sign shall also indicate such different speed limit as may then be observed.

Sec. 2. At least six hundred (600) feet in advance of the beginning of any speed zone established by any agency of the State authorized to establish the same, there shall be erected a sign of adequate size which shall bear the legend "Reduce Speed Ahead".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 790 CHAPTER 648

AN ACT REPEALING SECTION 4 OF CHAPTER 77, PUBLIC LAWS OF 1923 RELATING TO THE BENNETT PLACE IN DURHAM COUNTY AND PROVIDING THAT THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION SHALL MAINTAIN AND PROVIDE PERPETUAL CARE OF THE BENNETT MONUMENT AND GROUNDS.

The General Assembly of North Carolina do enact:

Section 1. That Section 4 Chapter 77, Public Laws of 1923 be and the same is hereby repealed. The State Highway and Public Works Commission is hereby authorized and directed to maintain and provide perpetual care of the Bennett Monument and grounds in Durham County.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 795 CHAPTER 649

AN ACT TO AUTHORIZE THE COUNTY BOARD OF COMMISSIONERS OF RANDOLPH COUNTY TO PURCHASE CERTAIN REAL ESTATE.

The General Assembly of North Carolina do enact:

Section 1. The County Commissioners of Randolph County are hereby authorized and empowered to purchase at private sale from the Randolph County Airport Commission that certain 181-acre tract of land located in Asheboro Township, Randolph County, adjoined on the East by the Carolina and Northwestern Railway (formerly Norfolk and Southern Railway) and on the North by the County Home property; said tract of land

being the same property as described in a deed from Randolph County to the Randolph County Airport Commission, which said deed is recorded in Deed Book 397, page 73 in the office of the Register of Deeds for Randolph County.

Sec. 2. This Act shall apply only to Randolph County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 797 CHAPTER 650

AN ACT AMENDING CHAPTER 460, SESSION LAWS OF 1951 SO AS TO EXTEND THE POWER OF POLICE OFFICERS OF THE TOWN OF EDENTON TO INCLUDE ALL TERRITORY WITHIN TWO THOUSAND (2000) YARDS OF THE CORPORATE BOUNDARY LINES OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 460, Session Laws of 1951, be and the same is hereby amended by striking out the words and figures "five hundred (500)" appearing at the end of the third line and inserting in lieu thereof the words and figures "two thousand (2000)".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 802 CHAPTER 651

AN ACT TO AMEND CHAPTER 84 OF THE GENERAL STATUTES RELATING TO THE CHANGE OF JUDICIAL DISTRICTS AND PROCEDURE FOR ORGANIZATION OF DISTRICT BARS OF THE NORTH CAROLINA STATE BAR, APPLICANTS BEFORE THE BOARD OF LAW EXAMINERS AND MEMBERSHIP OF THE NORTH CAROLINA STATE BAR.

The General Assembly of North Carolina do enact:

Section 1. Article 4 of Chapter 84, Section 17 (G. S. 84-17, Volume 2-C) of the General Statutes be and the same is hereby amended by rewriting the second paragraph of said Section to read as follows:

"All Councilors elected from any additional Judicial Districts will be elected for a term of three years, except as may be hereinafter provided in G. S. 84-18 and G. S. 84-19."

Sec. 2. Article 4 of Chapter 84, Section 19 (G. S. 84-19, Volume 2-C)

of the General Statutes be and the same is hereby amended by adding a new paragraph to said Section to read as follows:

"Provided that procedures for organization of the district bars shall be in accordance with G. S. 84-18 and that beginning July 1, 1955, it is provided that new Councilors for the First, Tenth and Fifteenth Districts shall be elected for a term of one year; those from the Sixth, Thirteenth, Eighteenth and Twenty-seventh Districts for a period of two years; and those from the Eighth, Ninth, Twelfth and Twenty-fourth Districts for a period of three years; provided that in subsequent elections for the said district the terms shall be for three years. Such term shall run from the election of said Councilors following organization of the district bars subsequent to the effective date of this Act. The terms of Councilors residing in the Second, Third, Fourth, Fifth, Seventh, Eleventh, Fourteenth, Sixteenth, Seventeenth, Nineteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third, Twenty-fifth, Twenty-sixth, Twenty-eighth, Twenty-ninth, and Thirtieth Districts shall continue under the terms and conditions as when elected or appointed and their successors for said district shall be elected for a term of three years from the date of the expiration of the said terms, provided that if at the time of the organization of the district bar the term of the Councilor who is a resident of the said district having expired or a vacancy existing by death, resignation or otherwise, then at the organization of said district bar provision may be made for the election or appointment of a Councilor to represent the said district."

"As soon as may be practicable following the organization of the several district bars where the composition of such districts shall have had a change in the counties comprising said district, the officers of the district being divided or rearranged shall for the purpose of preservation, forward the records of the expiring district bar to the Council of the North Carolina State Bar who shall preserve the same in the offices of the North Carolina State Bar."

Sec. 3. Article 4 of Chapter 84, Section 25 (G. S. 84-25, Volume 2-C) is hereby rewritten to read as follows:

"84-25. All applicants before the Board of Law Examiners shall pay such fees as prescribed under the rules of said board as may be promulgated under G. S. 84-21 and G. S. 84-24."

Sec. 4. Article 4 of Chapter 84, Section 34 (G. S. 84-34, Volume 2-C) of the General Statutes be and the same is hereby amended by adding after the semicolon and before the word "and" in line twelve the following:

"and shall thereafter, prior to the first day of July, beginning with the calendar year 1955, pay to the secretary-treasurer, in respect to the calendar year in which such payment is herein directed to be made, an annual membership fee of ten dollars ($10.00)."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 804 CHAPTER 652

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CRAVEN COUNTY TO EMPLOY IN THE OFFICES OF SAID COUNTY ADDITIONAL CLERKS OR ASSISTANTS AND FIX THE TERM OF THEIR EMPLOYMENT AND COMPENSATION.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 117 of the Session Laws of 1951 is hereby amended by adding at the end thereof the following:

"When the board of commissioners find it necessary to employ additional clerks or assistants to perform the duties of any of said offices said board may, in its discretion, authorize the employment of additional clerks or assistants and fix the term of their employment and compensation."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 813 CHAPTER 653

AN ACT TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF ASKEWVILLE IN BERTIE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 1153 of the 1951 Session Laws of North Carolina be, and the same is hereby amended as follows:

"The corporate limits of the Town of Askewville are hereby designated and bounded as follows, to wit:

"BEGINNING at a water oak at the corner of L. J. White and Daniel Johnson on the State Highway leading from Askewville to Ross' Church, and running from thence a northerly direction a perpendicular line from said highway 500 yards to a stake; thence turning to the left and running parallel with the aforesaid highway 1584 yards to a stake; thence turning to the left and running a southerly direction 1000 yards to a stake; thence turning to the left and running parallel with the aforesaid highway 1584 yards to a stake; thence turning to the left and running a northerly direction 500 yards to the corner of L. J. White and Daniel Johnson at a water oak, the point of beginning."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 820 CHAPTER 654

AN ACT TO EXTEND THE LIMITS OF THE TOWN OF JACKSON IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter X of the Private Laws of 1872-'73 is amended by adding at the end thereof the following:

"The corporate limits of the Town of Jackson are hereby extended to include the following territory:

"BEGINNING at the northern intersection of Cemetery Street and the present town line and running South 33 degrees 25 minutes West 390 feet to a stake; thence South 65 degrees 30 minutes East 240 feet to the present town line, thence with said line due North to the point of beginning containing 1.08 acres more or less."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 823 CHAPTER 655

AN ACT AMENDING CHAPTER 1160, SESSION LAWS OF 1953, RELATING TO THE FILING OF PAPERS IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT SO AS TO MAKE SAID ACT APPLICABLE TO CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 2, Chapter 1160, Session Laws of 1953, be and the same is hereby amended by adding in the second line thereof between the words "Catawba" and "Perquimans" the word "Cherokee".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. B. 875 **CHAPTER 656**

AN ACT TO AMEND G. S. 160-118 SO AS TO AUTHORIZE THE APPOINTMENT OF A COUNTY BUILDING INSPECTOR FOR CATAWBA COUNTY AND THE ISSUANCE OF COUNTY BUILDING PERMITS IN AREAS OUTSIDE THE CORPORATE LIMITS OF MUNICIPALITIES OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-118 is amended by adding at the end thereof the following:

"The Board of County Commissioners of Catawba County may, in its discretion, designate and appoint a county building inspector whose duty it shall be to enforce all State and local laws governing the construction of buildings which are to be located in said county and outside the corporate limits of any city or town of Catawba County having a building inspector. It shall also be the duty of the county building inspector appointed under authority of this Act to issue permits for the construction of all new buildings which are to be located outside the corporate limits of any city or town of Catawba County having a building inspector.

"Upon the appointment of the county building inspector as herein provided, and before the construction of any new building is thereafter begun which is to be located outside the corporate limits of any city or town of Catawba County having a building inspector, the owner of the property on which the building is to be constructed shall apply for and obtain from the county building inspector a building permit for the construction of the same. This permit shall be in writing and shall contain a provision that the building shall be constructed according to the requirements of State and local laws governing the construction of buildings. As the building progresses, the inspector shall make as many inspections as may be necessary to satisfy him that the building is being constructed in accordance with State and local laws governing such construction. As soon as the building is completed, the owner shall notify the building inspector, who shall proceed at once to make an inspection thereof. If the building meets the requirements of local and State building laws, the inspector shall then issue to the owner of the building a certificate to the effect that he has complied with the requirements of law with respect to the building concerned. The building inspector shall keep a record of all buildings inspected and approved or disapproved by him.

"The County Commissioners of Catawba County shall fix the fee to be charged by the county building inspector for the issuance of building permits, which fee shall be paid by the owners of the properties inspected. The fees collected by the building inspector may be retained by him in payment for his services, or the county commissioners may pay the inspector a fixed salary, in which case the fees collected for permits shall be paid into the county treasury. Nothing contained in this Section shall be construed as prohibiting the board of county commissioners designating as county building inspector any person who also has or may be desig-

nated as building inspector for any city or town located within the county.

"It shall be unlawful for the county building inspector or any of his authorized agents to engage in the business of building construction, and they shall have no financial interest in any firm, partnership or corporation engaged in such business at any time while holding such office as herein provided for.

"The county building inspector shall give a bond approved by the county commissioners for the faithful performance of his duties."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after 1 July, 1955.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

S. B. 360 CHAPTER 657

AN ACT RELATING TO ABANDONMENT OF RAILROAD RIGHT OF WAY.

The General Assembly of North Carolina do enact:

Section 1. Amend Chapter 1, Article 3 of the General Statutes by adding a new subsection reading as follows:

G. S. 1-44.1. ABANDONMENT OF RAILROAD RIGHT OF WAY. Any railroad which has removed its tracks from a right of way and has not replaced them in whole or in part within a period of seven (7) years after such removal and which has not made any railroad use of any part of such right of way after such removal of tracks for a period of seven (7) years after such removal, shall be presumed to have abandoned the railroad right of way.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby amended to the extent that they are in such conflict.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 424 CHAPTER 658

AN ACT TO AMEND G. S. 47-2, RELATING TO ACKNOWLEDGEMENT OF THE EXECUTION OF INSTRUMENTS AND WRITINGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-2 is amended by striking out in line 11 of said Section the words "second lieutenant" and inserting in lieu thereof the words "warrant officer." Said Section is further amended by striking out in line 12 the words "ensign" and inserting in lieu thereof the words "warrant officer". Said Section is further amended by striking out in line

14 the word "ensign" and inserting in lieu thereof the words "warrant officer". Said Section is further amended by inserting after the word "be" and before the word "serving" in line 20 of said Section the words "accompanying or".

Sec. 2. Any instrument or writing, required by law to be proved or acknowledged, which prior to the ratification of this Act was proved or acknowledged before an officer of the United States Army, United States Air Force or United States Marine Corps having the rank of warrant officer or higher, or any officer of the United States Navy, United States Coast Guard, or United States Merchant Marine, having the rank of warrant officer or higher, is hereby validated and declared sufficient for all purposes.

Sec. 3. This Act shall not apply to pending litigation.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 602 CHAPTER 659

AN ACT TO AMEND CHAPTER 752 OF THE SESSION LAWS OF 1951, RELATING TO THE DRAINAGE OF THE OVERFLOW WATERS FROM LAKE PHELPS IN WASHINGTON AND TYRRELL COUNTIES.

WHEREAS, Lake Phelps is a 16,600-acre natural body of water, located in Washington and Tyrrell Counties, said body of water being the property of the State of North Carolina; and

WHEREAS, a critical problem of drainage does exist and has existed for several years, in that Lake Phelps often overflows and damages the crops of landowners of an area of approximately 20,000 acres lying generally to the North of Lake Phelps and between the lake and the Scuppernong River, which is the natural outlet for surface run-off, this overflow often occurring even though a number of canals lead from Lake Phelps through the lands of individual owners to the Scuppernong River; and

WHEREAS, at the present time gates controlling the flow of water from the lake are in a poor state of repair, and the canals leading from the lake to Scuppernong River are in bad need of cleaning and dredging, and farmers and agriculture technicians are convinced that efficient drainage can be attained and thousands of dollars of crop damage and loss averted by repairing existing control gates, where possible, and installing new gates, where necessary, and by cleaning and dredging the present six canals which drain Lake Phelps, to wit: The Moccasin Canal; the West Canal; the Thirty-Foot Canal; the Transportation Canal; the Banava Canal, and the Bee Tree Canal; and

WHEREAS, a duly constituted committee of farmers and landown-

ers of the Lake Phelps area vitally affected by this problem, recognizing that of the approximately 40 odd thousand acres involved, about fifty per cent (50%) of the area is owned by the State of North Carolina, and said committee having petitioned their legislative representatives in the 1951 North Carolina General Assembly and the Department of Conservation and Development, which is charged with the responsibility of administration of Lake Phelps, to alleviate this problem, this committee does further propose to equally participate in the cost of cleaning and dredging the canals: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Conservation and Development, in the management of Lake Phelps in Washington and Tyrrell Counties, is hereby authorized to cooperate with farmers and landowners in effecting efficient drainage of any area adjoining said Lake Phelps, where the need therefor is due to an overflow. Such work shall be performed in accordance with plans of, and as recommended by the USDA Soil Conservation Service Technicians for Washington and Tyrrell Counties as approved by a majority of the landowners who pay their proportionate part of the landowners' half of the expenses as herein provided, or as approved by any agent appointed by a majority of such landowners for that purpose. Unexpended funds heretofore appropriated as part of the permanent improvements appropriation for the Pettigrew State Park may be expended for the purpose of this Act on the basis of matching dollar-for-dollar funds made available for said purposes locally as hereinafter provided in this Act or any funds made available from the Contingency and Emergency Fund for such purposes may be so expended on the same dollar-for-dollar matching basis, but in no event shall the total expended by the Board of Conservation and Development exceed twenty-five thousand dollars ($25,000.00).

Funds may be made available locally for said drainage purposes by landowners of the area through a committee treasurer, an official or department of county or counties governments, or a designated bank, as the landowner's agent.

The Director of the Department of Conservation and Development is hereby authorized to administer the expenditure of any State funds made available pursuant to this Act, and shall make disbursements immediately following the commencement of work upon said improvements, to be paid weekly or at such other intervals as may be stated in said plans and in such amounts as may be one-half of the part then to be paid for expenses incurred, which part shall in no event exceed ninety per cent (90%) of the price or cost of the work already done as determined by the technicians aforesaid prior to the completion of said work, at which time the total balance due shall be paid.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 607 CHAPTER 660

AN ACT TO AUTHORIZE THE TOWN COUNCIL OF THE TOWN OF EDENTON AND THE BOARD OF TRUSTEES OF THE EDENTON CITY ADMINISTRATIVE UNIT TO EXECUTE CONVEYANCES DIVIDING BETWEEN THEMSELVES THE PROPERTY IN EDENTON KNOWN AS THE TOWN COMMONS.

WHEREAS, some question exists as to the title to certain lands in the Town of Edenton, known as a part of the Town Commons, lying East of Main or Broad Street in said Town, and

WHEREAS, it appears that the title to said land is vested in the Town of Edenton or the Trustees of the Edenton Graded School District, now the Edenton City Administrative Unit, and

WHEREAS, the governing bodies of said town and said Edenton City Administrative Unit have come to a full understanding and agreement as to an actual partition or division of said land between them in accordance with the needs and requirements of the said Town and the Edenton City Administrative Unit, and it is desired that complete authority be given by law to the execution of deeds of partition of said property: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Town of Edenton and the Board of Trustees of the Edenton City Administrative Unit, formerly the Board of Trustees of Edenton Graded Schools, be and they hereby are fully authorized and empowered to actually partition or divide the land known as a part of the Town Commons, lying East of Main or Broad Street, in the said Town, in accordance with the needs and requirements of the said Town and the Edenton City Administrative Unit, and deeds of partition for said property, when executed by the Mayor and the City Clerk of the Town of Edenton, as authorized by the Town Council of the Town of Edenton, and by the Chairman and Secretary of the Board of Trustees of the Edenton City Administrative Unit, shall be good and sufficient to convey in severalty to each of the said grantees fee simple title to the property so divided and partitioned.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 853 **CHAPTER 661**

AN ACT AUTHORIZING THE CLERK OF THE SUPERIOR COURT OF HERTFORD COUNTY TO PLACE TEMPORARILY HERTFORD COUNTY'S COPIES OF THE COLONIAL RECORDS OF NORTH CAROLINA WITH THE ALBEMARLE REGIONAL LIBRARY IN WINTON.

The General Assembly of North Carolina do enact:

Section 1. That the Clerk of the Superior Court of Hertford County be and he is hereby authorized to place the copies of the Colonial Records of North Carolina belonging to Hertford County with the Albemarle Regional Library in Winton during the process of construction of the new Hertford County Courthouse. Members of the public are authorized to use said records in the library but may not remove any volume of said records from the library.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 864 **CHAPTER 662**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CLEVELAND COUNTY TO INVEST PROCEEDS OF THE SALE OF CERTAIN SCHOOL BUILDING BONDS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Cleveland County is authorized to invest or reinvest, as hereinafter provided, all or any part of the proceeds of the sale of bonds issued or to be issued by the county, the same being designated as "School Building Bonds, Series A" and dated December 1, 1954. Such investment or reinvestment shall be made only upon the request of the Board of Education of Cleveland County and/or the Board of Trustees or Governing Authority of the Kings Mountain City Schools and/or the Board of Trustees or Governing Authority of the Shelby Public Schools or said Governing Authorities having control or custody of any part of such proceeds.

Sec. 2. Said proceeds may be invested or reinvested in United States Treasury Certificates of Indebtedness: Provided, however, that interest earned from such investment shall be applied to payment of interest maturing on said bonds; and provided, further, that nothing in this Act shall be construed as authorizing application of the money realized from such investment, except interest, to any purpose other than the purpose for which said bonds were issued.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 868 CHAPTER 663

AN ACT VALIDATING ALL ACTIONS OF BOARDS OF EDUCATION OF THE SEVERAL COUNTIES OF THE STATE TAKEN PRIOR TO THE RATIFICATION OF THE OMNIBUS BILL APPOINTING SUCH MEMBERS OF COUNTY BOARDS OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That all actions of members of the several county boards of education of the State in qualifying, in electing county superintendents, and in transacting other business of such boards of education prior to the ratification of the Omnibus Bill appointing members of the several county boards of education of the State be and the same are hereby in all respects ratified, confirmed, validated and declared to be official acts of the several boards of education, in all cases in which the persons who actually qualified and served were appointed to such boards of education by the Omnibus Bill ratified on April 4, 1955.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 869 CHAPTER 664

AN ACT TERMINATING THE CONTRACTS OF ALL PRINCIPALS AND TEACHERS IN THE PUBLIC SCHOOLS OF NORTH CAROLINA AS OF THE END OF THE 1954-1955 SCHOOL TERM AND PROVIDING THE PROCEDURE FOR THE EMPLOYMENT OF PRINCIPALS AND TEACHERS THEREAFTER.

The General Assembly of North Carolina do enact:

Section 1. The contracts of all principals and teachers now employed in the public schools of North Carolina are hereby terminated as of the end of the school term 1954-1955. County and city superintendents shall give each principal and teacher notice by mail of the termination of his contract, but the failure to give such notice shall not have the effect of continuing in force the contract of any principal or teacher beyond the end of the 1954-1955 school term.

Sec. 2. Any teacher or principal desiring election as teacher or principal in a particular administrative unit shall file his or her application in writing with the county or city superintendent of such unit. The application shall state the name and number of the certificate held, when the

certificate expires, experience in teaching, if any, and the administrative unit in which the applicant last taught. It shall be the duty of all county and city boards of education to cause written contracts on forms to be furnished by the State Superintendent of Public Instruction to be executed by all teachers and principals before any salary vouchers shall be paid. The contracts of teachers and principals shall be made for the next succeeding school year or for the unexpired part of a current school year. No county or city board of education shall enter into a contract for the employment of more teachers, including vocational teachers, than are allotted to that particular administrative unit by the State Board of Education unless provision has been made for the payment of the salaries of such teachers from local funds. All contracts shall be subject to the condition that when the position for which any principal or teacher is employed is terminated the contract is likewise terminated.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 894 CHAPTER 665

AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO PROVIDE FOR THE NOMINATION OF CANDIDATES FOR THE OFFICE OF MAYOR, MEMBERS OF THE BOARD OF ALDERMEN AND MEMBERS OF THE BOARD OF EDUCATION OF THE CITY OF CONCORD BY PARTY PRIMARIES.

The General Assembly of North Carolina do enact:

Section. 1. Chapter 1297 of the Session Laws of 1953, amending the Charter of the City of Concord, is hereby amended by striking out subsection (b) of Section 11½, and inserting in lieu thereof the following:

"(b) On the fourth Tuesday next preceding the date of holding the general municipal election of the City of Concord, there shall be called, held, conducted, and concluded under the direction of the Cabarrus County Board of Elections, by election officials designated and appointed by them for that purpose, a party primary for the purpose of nominating from each political party a mayor and one member of the board of aldermen, who shall be elected at large of and by the qualified voters of said city, and in each of said wards there shall be nominated separately of and by the qualified voters therein one alderman for each ward; and also one graded school commissioner, who shall be elected at large and by the qualified voters of the city, and in each of said wards there shall be nominated separately of and by the qualified voters therein one graded school commissioner for each ward. All persons desiring to file in such primary shall declare their party affiliation with the election officials so designated in as nearly as possible the same manner as is provided under

the General Statutes of North Carolina for the conduct of the primaries for the nomination of candidates for county offices. The names of only those candidates nominated in such primary shall be placed on the general election ballot. The County Board of Elections may in its discretion call for a new registration for the municipal election to be held in 1957. The registration books shall be open on the sixth, seventh, and eighth Saturdays next preceding the first Tuesday after the first Monday in May when the general election is held. The registration books shall not thereafter be open for registration for either the primary or general municipal election except for persons qualifying between the time of closing of the books and the general election as in the case of newly qualified voters under the general election laws of the State. The fifth Saturday next preceding such general election shall be set for challenge day for the registration. In the event a runoff primary is required to determine the candidates for any political party the runoff shall be held on the second Tuesday next preceding the date of the general election. In all other respects the primary election shall be governed by the general laws provided for primary elections in subchapter II of Chapter 163 of the General Statutes of North Carolina insofar as such general laws may be construed to apply to said municipal primaries and in all other respects where the general laws of the State cannot be construed to conform to the provisions of the procedures of a municipal primary, the said primary shall be governed by rules and regulations to be adopted by the Cabarrus County Board of Elections for such primary.

"Candidates for nomination shall file with the Cabarrus County Board of Elections not later than five o'clock P. M. on the second Tuesday prior to the date of the primary written notice of their intention to be candidates in said primary on a form which is in substantial compliance with the form set out in subchapter II of Chapter 163 of the General Statutes and at the time of filing said notice pay a filing fee of fourteen dollars ($14.00) for candidate for office of mayor, and six dollars ($6.00) for candidate of office of alderman, and candidates for all other offices shall pay a filing fee of five dollars ($5.00).

"The city clerk and treasurer shall use the funds received from the filing fees to pay the expenses of the primary. If there is a deficit, then the City of Concord shall pay the remainder of said expenses. The registrars and poll holders shall receive the same compensation allowed for conducting a general election. The members of the County Board of Elections shall receive the same compensation payable for holding a general election."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 895 CHAPTER 666

AN ACT RELATING TO THE COMPENSATION OF THE SHERIFF AND MEMBERS OF THE RURAL POLICE FORCE OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to all compensation now allowed by law to the Sheriff, his Deputies and members of the Rural Police Force of Burke County, they shall be allowed to retain all fees and commissions collected by them by virtue of their offices.

Sec. 2. All actions and procedures heretofore taken by the Clerk of the Superior Court, the Clerk of the Criminal Court and Justices of the Peace of Burke County in paying the Sheriff, his Deputies and members of the Rural Police Force of said county, fees collected by virtue of their respective offices, and all actions and procedures taken by the Sheriff, his Deputies and members of the Rural Police Force of Burke County in retaining said fees, are hereby in all respects confirmed, ratified and validated. All actions and procedures heretofore taken by the Board of County Commissioners of Burke County in permitting the Sheriff, his Deputies, and members of the Rural Police Force to retain fees collected and paid to them by virtue of their respective offices is hereby in all respects confirmed, ratified and validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 896 CHAPTER 667

AN ACT AMENDING CHAPTER 547, SESSION LAWS OF 1953, SO AS TO AUTHORIZE THE EMPLOYMENT OF SEVEN INSTEAD OF FIVE RURAL LAW ENFORCEMENT OFFICERS IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 547, Session Laws of 1953, be and the same is hereby amended by striking out the word "five" immediately preceding the word "rural" in line two and inserting in lieu thereof the word "seven".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 900 CHAPTER 668

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 192 of the Session Laws of 1945 is amended by striking out in line three of said Section the word "two" and inserting in lieu thereof the word "four".

Sec. 2. Section 3 of Chapter 192 of the Session Laws of 1945 is rewritten to read as follows:

"Sec. 3. At the general election to be held in Vance County in 1956 there shall be elected five members of the board of county commissioners. At said election the three candidates, from their respective districts, receiving the highest number of votes shall be declared elected and shall serve for terms of four years each, and the two candidates from their respective districts receiving the next highest number of votes shall be declared elected and shall serve for terms of two years each. Thereafter, as the terms of office of the members expire, their successors shall be elected for terms of four years each, and shall serve until their successors are elected and qualified.

"At the Democratic Primary Election to be held in Vance County in 1956 for the nomination of county officers, the qualified electors of said county shall nominate one person from each of the districts established under Section 2 of this Act. Biennially thereafter, in the years that the terms of office of the members of the board expire, the qualified voters of said county shall nominate one person from each district in the county in which a member's term shall expire, who shall be the candidate from his district for election to the Board of Commissioners of Vance County at the next succeeding general election for county officers."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 904 CHAPTER 669

AN ACT RELATING TO THE RECORDING OF MAPS AND PLATS IN THE OFFICE OF THE REGISTER OF DEEDS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the 30th day of June, 1955, all maps or plats presented for recording in the map books or plat books in the office of the Register of Deeds of New Hanover County shall be on a sheet or sheets of a uniform size of 18 by 24 inches. A single map or plat may be

placed on more than one sheet for the purpose of recording, but all sheets shall be of the same uniform size.

Sec. 2. The Register of Deeds of New Hanover County is authorized and empowered to refuse to accept for recording in the map or plat books in his office any maps or plats presented for recording otherwise than in accordance with the terms of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 905 CHAPTER 670

AN ACT TO AMEND SECTIONS 143-129 AND 143-131 OF THE GENERAL STATUTES AND RELATING TO PURCHASING PROCEDURE FOR THE TOWN OF WRIGHTSVILLE BEACH IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 143-129 of the General Statutes is hereby amended by deleting from the fifth and sixth lines of the Section the words and figures "one thousand dollars ($1,000.00)" and by inserting in lieu thereof the words and figures "two thousand dollars ($2,000.00)".

Sec. 2. Section 143-131 of the General Statutes is hereby amended by deleting from the fourth line of the Section the words and figures "one thousand dollars ($1,000.00)" and by inserting in lieu thereof the words and figures "two thousand dollars ($2,000.00)".

Sec. 3. The provisions of this Act shall apply only to the Town of Wrightsville Beach in New Hanover County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1955.

H. B. 920 CHAPTER 671

AN ACT AMENDING G. S. 115-165 SO AS TO ALLOW THE REGULAR BOND OF THE TREASURER OF GUILFORD COUNTY TO PROTECT SCHOOL FUNDS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-165 be amended by striking from lines 3 and 4 thereof the following language:

"which bond shall be a separate bond, not including liability for other funds, and".

Sec. 2. That G. S. 115-165 be and the same is hereby further amended by adding at the end of the second paragraph thereof the following:

"The bond required by this Section need not be a separate bond; and unless the board of county commissioners shall require a separate bond, the bond required of the county treasurer by G. S. 155-2 shall be conclusively presumed to be conditioned as in said paragraph of G. S. 115-165 set forth."

Sec. 3. This Act shall apply to Guilford County only.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of May, 1955.

S. B. 161 CHAPTER 672

AN ACT TO AMEND THE CITY CHARTER OF THE CITY OF RALEIGH (CHAPTER 1184, SESSION LAWS 1949, AS AMENDED) AS IT RELATES TO LOCAL IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Section 1. That Section 105 of Chapter 1184 of Session Laws of North Carolina, 1949, as amended by Chapters 96 and 747 of Session Laws of North Carolina, 1953, be further amended by striking out said Section, as amended, and inserting in lieu thereof the following:

"Section 105. (a) Street Improvements. The City of Raleigh is hereby vested with all the power and authority vested in municipalities with respect to public improvements or local improvements, such as, but not limited to, grading, regrading, paving and repaving public streets and alleys, and in the construction, reconstruction and alteration of curbs, gutters and drains in the public streets and alleys, and in the laying or relaying of sewers or water lines, and in the construction, reconstruction and alteration of sidewalks in the public streets and alleys, as are granted municipalities under the general laws of North Carolina as the same are now or hereafter may be enacted, including the provisions of Article 9 of subchapter 1 of Chapter 160 of the General Statutes of North Carolina, and in the exercise of such powers, the City of Raleigh, except as hereinafter provided, shall be controlled by and shall exclusively follow the procedure outlined in said Public Laws; provided, however, that the city may classify its streets according to the use to which they are or may be subjected, or according to the nature of the zoning classification of abutting property, or otherwise, and shall by uniform rule within the various classifications, require the abutting property owners to pay the entire cost of such improvements or such part thereof as it may deem proper, except such portion of the improvements as may be chargeable to street intersections or public alley intersections, which portion of the cost of such improvements shall be paid by the City of Raleigh; provided further, that no assessment shall be levied for any such improvements

upon any particular property if assessment therefor has been levied thereon within the previous ten years, unless the owner of such land or his duly authorized agent, shall by petition duly signed and filed with the governing body of said city specifically request that such improvements be made.

In cases where the city limit line of the City of Raleigh runs along a street or road so that property on one side of the street or road lies within the corporate limits of the city and the property on the other side of the street or road lies outside of such corporate limits and a majority of all such property owners owning a majority of the property abutting such street or road present a petition meeting the requirements of Article 9, Chapter 160, of the General Statutes of North Carolina requesting the improvement of such street or road, the governing body of the City of Raleigh may approve such petition, make the improvements requested, and assess the cost thereof against the property abutting both sides of said street or road in like manner, and to the same extent that it would be authorized to do if said street or road and the property abutting thereon lay wholly within the corporate limits of the city.

(b) When Petition Unnecessary—Street Improvement. Notwithstanding other provisions of this Charter or of any other laws, whenever there is an unimproved portion of a continuous street between improved portions thereof (if such street has been classified by the City Council of the City of Raleigh as a thoroughfare and if such unimproved portion be not more than 1500 feet in length), and a majority of the owners owning a majority of the lineal footage of property abutting the unimproved portion thereof are unwilling or fail to petition for its improvement, and the city council shall find by a personal inspection by each member of the council, that such improvement is necessary in the public interest, the city council may, without petition, order the making of such improvement and the assessment of the cost thereof against abutting property in the same manner as such assessment would be made upon petition. Whenever such improvement is ordered made by authority of this paragraph, the ordering of the paving of any street or part thereof may include the necessary water main and sewer improvements and the necessary water and sewer laterals, and it may, but need not, include the construction of curbs, gutters, drains or sidewalks on one or both sides of the street. Assessments authorized by this Section shall not be made against property owned or held for the sole purpose of the burial of the dead unless the City of Raleigh assume and pay for such assessments.

Before any street has been classified as a thoroughfare by the City Council of the City of Raleigh, at least 10 days written notice of such proposed action by said city council shall be given to each owner of property abutting on said street and a public hearing shall be held by the city council for the purpose of considering the matter.

(c) When Petition Unnecessary; Construction, Reconstruction, Alteration or Repair of Sidewalks and Driveways; Construction of Curbs, Gutters and Drains. (1) It shall be the duty of every property owner in the City of Raleigh to maintain the sidewalk and driveways abutting his property in good repair and in safe condition.

(2) The entire cost of the construction, reconstruction, alteration or repair of sidewalks and driveways and of the construction, reconstruction, alteration or repair of curbs, gutters or drains in the City of Raleigh shall be paid by the abutting property owner. The construction, reconstruction or alteration of sidewalks may include curbs, gutters and drains, or the city council may require the construction, reconstruction, alteration or repair of curbs, gutters or drains, or any or either of them, without requiring the construction, reconstruction, alteration or repair of sidewalks.

(3) When the construction, reconstruction, alteration or repair of a sidewalk or driveway, or the construction, reconstruction, alteration or repair of curbs, gutters, and drains within the City of Raleigh becomes necessary, the city manager or his duly authorized agent shall notify the abutting owner thereof, and in such notice direct the owner to make the improvement specified in the notice within thirty days after such notice has been personally served upon or sent by registered mail to such owner at his last known address, or published once in a newspaper of general circulation in the City of Raleigh if the owner's address is unknown. The owner, upon receipt of such notice, may appeal to the city council from the direction of the city manager or his agent, provided such appeal is taken within the thirty-day period during which the improvement is required to be made; and in event of appeal, no improvement of the property shall be required until the city council has heard and acted upon the appeal. If the property owner should fail to appeal to the city council or fail to make the required improvement within the time set out in the notice, the city manager shall report such fact to the city council and the city council may, by resolution, require the improvement to be made and the cost thereof assessed against the abutting property, and such assessment shall constitute a lien upon the property superior to all other liens. Appeals to the Superior Court may be taken by any interested property owner within thirty days after the adoption of the resolution, but if no appeal is taken, the action of the city council shall be conclusive of the necessity of such improvement.

If the cost of the improvement shall exceed one hundred dollars ($100.00), assessment against abutting property shall be made and collected in the same manner that assessment would be made for local improvements as provided by Article 9, Chapter 160, of the General Statutes of North Carolina.

If the cost of the improvement shall be less than one hundred dollars ($100.00), the assessment against abutting property shall be collected as taxes are collected, and such assessment shall bear interest at the rate of six per cent (6%) per annum from the date of the assessment until paid.

No petition shall be required as a condition precedent to the passage of a resolution requiring that improvements herein specified shall be made.

In directing that improvements be made, such improvements shall be made in conformity with the standards of the City of Raleigh as the same may be from time to time promulgated by the city council.

Following the passage of a resolution by the city council directing that

improvements be made, said resolution shall be published at least once in a newspaper of general circulation published in the City of Raleigh.

(4) The procedure herein outlined shall be supplementary and in addition to any other procedure authorized by law relating to such improvements.

Sec. 2. All laws and clauses of laws in conflict with this Act are, to the extent of such conflict, repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

S. B. 223 CHAPTER 673

AN ACT TO AMEND G. S. 130-104 RELATING TO THE PENALTY FOR VIOLATION OF LAWS ON VITAL STATISTICS.

The General Assembly of North Carolina do enact:

Section 1. Section 130-104 of the General Statutes is hereby amended by rewriting the said Section to read as follows:

"Sec. 130-104. Violations of Article; Penalty.—Any person, who for himself or as an officer, agent, or employee of any person, or of any corporation or partnership, shall inter, cremate, or otherwise finally dispose of the dead body of a human being, or permit the same to be done without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by fine or imprisonment in the State's prison for a term of not more than 10 years, or by both such fine and imprisonment, in the discretion of the court.

"Any person, who for himself or as an officer, agent, or employee of any other person, or of any corporation or partnership, shall do or omit any of the following acts:

1. Shall remove the dead body of a human being, or permit the same to be done, from the primary registration district in which the death occurred or the body was found without the authority of a burial or removal permit issued by the proper local registrar;

2. Refuse or fail to furnish correctly any information in his possession, or shall furnish false information affecting any certificate or record, required by this Article;

3. Willfully alter, otherwise than as provided by Section 130-94, or shall falsify any certificate of birth or death, or any record established by this Article;

4. Being required by this Article to fill out a certificate of birth or death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, shall fail, neglect or refuse to perform such duty in the manner required;

5. Being a State Registrar, a chairman of a board of county com-

missioners, a mayor of a city or town, a local registrar, a deputy registrar, or sub-registrar, shall fail, neglect, or refuse to perform his duty as required by this Article and by the instructions and direction of the State Registrar thereunder;

Shall, upon conviction thereof, be guilty of a general misdemeanor and punished in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

S. B. 296 CHAPTER 674

AN ACT TO AMEND ARTICLE 54 OF CHAPTER 14 OF THE GENERAL STATUTES SO AS TO PERMIT THE SALE, POSSESSION, AND USE OF EXPLOSIVE CAPS DESIGNED TO BE FIRED IN TOY CAP PISTOLS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-414 is amended by adding at the end thereof the following:

"This Article shall not apply to the sale, use, or possession of explosive caps designed to be fired in toy cap pistols, provided that the explosive mixture of such explosive caps shall not exceed twenty-five hundredths (.25) of a grain for each cap."

Sec. 2. This Act shall not apply to the following counties: Buncombe, Mecklenburg, Durham, Cleveland, Person, Hoke, Randolph, Iredell, Moore, Alamance, Edgecombe, Gaston Nash, Union, Burke, Caswell, Haywood, Pender, Chatham, Stokes, Alleghany, Guilford, and New Hanover.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

S. B. 313 CHAPTER 675

AN ACT TO AUTHORIZE THE STATE OF NORTH CAROLINA AND ITS AGENCIES TO PETITION AND PAY FOR STREET IMPROVEMENTS MADE TO STREETS ABUTTING PROPERTY OWNED BY THE STATE OR SUCH AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 160-82 of the General Statutes be amended by adding thereto between the first and second sentences the following:

"If the State of North Carolina own any property within a municipality

which abuts on any street therein, it may, when in the opinion of the Governor and Council of State such property would be benefitted by the improvement of the street abutting such property, petition the municipality to improve such street and may pay its ratable part of the cost thereof from the Contingency and Emergency Fund of the State of North Carolina, or from any funds which may be appropriated for that purpose, or from any appropriation made to the Board of Public Buildings and Grounds which may not be required for other purposes.

"If any agency of the State of North Carolina own or occupy any State property within a municipality which abuts on any street therein, the governing body of such agency, when in its opinion such property would be benefitted by the improvement of the street abutting such property, may, with the consent of the Governor and Council of State, petition the municipality to improve such street and may pay its ratable cost of such improvement out of any funds appropriated for that purpose or any funds in its hands which are not required for other purposes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

S. B. 477 **CHAPTER 676**

AN ACT TO AMEND SENATE BILL NO. 343, RATIFIED MARCH 30, 1955, PERTAINING TO THE ELECTION IN THE TOWN OF CLAYTON.

The General Assembly of North Carolina do enact:

Section 1. That Senate Bill No. 343 be amended by striking out the words "and biennially thereafter" appearing in lines 9 and 10 of Section 3 thereof.

Sec. 2. That Senate Bill No. 343 be amended by striking out the following sentence beginning on line 19 of Section 3 reading as follows: "Thereafter all commissioners duly elected shall serve for a four-year term or until their successors are duly elected and qualified."; and substituting in lieu thereof the following: "At the regular election held in May, 1957, and biennially thereafter, a Mayor and two Commissioners shall be elected at large by the qualified voters of the Town of Clayton, and such Commissioners duly elected shall serve for a four-year term or until their successors are duly elected and qualified."

Sec. 3. That Senate Bill No. 343 be amended by adding at the end of Section 5 thereof the following sentence: "Provided, that nothing in this Section shall apply to the regular municipal election to be held on Tuesday after the first Monday in May, 1955, but shall apply to all succeeding regular municipal elections in the Town of Clayton."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 36 CHAPTER 677

AN ACT TO AMEND G. S. 153-8 SO AS TO PROVIDE THAT THE MEETINGS OF THE BOARD OF COMMISSIONERS OF EACH COUNTY SHALL BE OPEN TO THE PUBLIC.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-8, as the same appears in Volume 3C of the General Statutes, is hereby amended by adding the following at the end thereof: "Provided, that all meetings of the board of commissioners of each county shall be open to the public."

Sec. 1½. The provisions of this Act shall apply only to the following counties: Nash, Person, Moore, Orange, Guilford and Harnett.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 93 CHAPTER 678

AN ACT TO REPEAL G. S. 113-155 RELATING TO FISHING WITHOUT LANDOWNER'S PERMISSION.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 113-155 be and the same is hereby repealed.

Sec. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 314 CHAPTER 679

AN ACT TO AMEND CHAPTER 57 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE RENEWABILITY OF INDIVIDUAL AND BLANKET HOSPITALIZATION CONTRACTS.

The General Assembly of North Carolina do enact:

Section 1. That subsection 3 of G. S. 57-7 is hereby amended by inserting between commas after the word "form" and before the word "shall" appearing in line two of the second sentence thereof, the following language, viz: "other than to group subscribers or those issued pursuant to a master group contract".

Sec. 2. Subsection 3 (c) of G. S. 57-7 is hereby amended by adding at the end thereof the following: "Said statement shall be in the following language:

'Renewability': Any contract subject to the provisions hereof is renewable at the option of the subscriber unless sufficient notice in writing of nonrenewal is mailed to the subscriber by the corporation addressed to the last address recorded with the corporation.

'Sufficient Notice' shall be as follows:

1. During the first year of any such contract, or during the first year following any lapse and reinstatement, or re-enrollment, a period of thirty (30) days.

2. During the second and subsequent years of continuous coverage, a number of full calendar months most nearly equivalent to one-fourth the number of months of continuous coverage from the first anniversary of the date of issue or reinstatement or re-enrollment, whichever date is more recent, to the date of mailing of such notice.

3. No period of required notice shall exceed two years, and no renewal hereunder shall renew any such contract for any period beyond the required period of notice except by written agreement of the subscriber and corporation.

Any such contract may be modified, terminated, or cancelled by the corporation at any time at its option, upon:

1. Nonpayment of fees or dues as required, or

2. Failure or refusal to comply with rate or benefit changes approved by the State Insurance Department after public hearing as outlined in G. S. 57-4.1.

3. Failure or refusal after 30 days written notice to subscriber to transfer into hospital and medical service plan serving the area to which he has changed residence and is eligible for or to which corporation is required to transfer by Inter-Plan Agreement of transfer.

4. The provisions of these amendments to subsection 3 and 3 (c) shall apply only to such contracts as are first issued on and after January 1, 1956."

Sec. 3. That G. S. 57-7 is hereby further amended by adding at the end of numbered paragraph 5 another paragraph to be numbered 6 and to read as follows:

6. Any hospitalization contract renewed in the name of the subscriber during the grace period shall be construed to be a continuation of the contract first issued.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after January 1, 1956.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 648 **CHAPTER 680**

AN ACT REPEALING CHAPTER 376, SESSION LAWS OF 1951, AUTHORIZING THE BOARD OF COMMISSIONERS OF GRAHAM COUNTY TO PAY A BOUNTY FOR THE SCALP OF ANY WILD-CAT, FOX OR HAWK.

The General Assembly of North Carolina do enact:

Section 1. That all the provisions of Chapter 376, Session Laws of 1951, be, and the same are, hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 676 **CHAPTER 681**

AN ACT TO AMEND CHAPTER 776 OF THE SESSION LAWS OF 1953 RELATING TO HUNTING DEER IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 776 of the Session Laws of 1953 is amended by striking out in line 2 of said Section the word "Craven,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 715 **CHAPTER 682**

AN ACT TO AMEND CHAPTER 46 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1941, SO AS TO INCREASE THE CIVIL JURISDICTION OF THE RECORDER'S COURT OF THOMASVILLE, AND TO INCREASE THE JURY FEES IN SAID COURT.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 46 of the Public-Local and Private Laws of 1941 is amended by striking out in line six of said Section the words and figures "one thousand ($1,000.00) dollars", and inserting in lieu thereof the words and figures "three thousand ($3,000.00) dollars". Said Section is further amended by striking out in line nine of said Section the words and figures "five hundred ($500.00) dollars", and inserting in lieu thereof the words and figures "three thousand ($3,000.00) dollars". Said Section is further amended by adding at the end thereof the following:

"(d) In all matters wherein the court shall have jurisdiction it shall have the power to issue all orders and decrees involving matters and

actions before the court, appoint commissioners, order foreclosures, and cause executions to be issued, and to perform any and all of the things necessary to put said judgments rendered by the court into effect."

Sec. 2. Section 11 of Chapter 245 of the Public-Local Laws of 1933 is amended by striking out in line six of said Section the figure "$6.00" and inserting in lieu thereof the figure "$18.00". Said Section is further amended by striking out in line six the figure "$1.00" and inserting in lieu thereof the figure "$3.00".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 720 CHAPTER 683

AN ACT REWRITING SECTION 18, CHAPTER 598, PUBLIC-LOCAL LAWS OF 1911 SO AS TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF DUNN TO APPOINT A CLERK AND AN ASSISTANT CLERK OF THE RECORDER'S COURT OF DUNN.

The General Assembly of North Carolina do enact:

Section 1. That Section 18, Chapter 598, Public-Local Laws of 1911, be and the same is hereby rewritten to read as follows:

"Sec. 18. On or before June 1, 1955, and biennially thereafter, the Board of Commissioners of the Town of Dunn is hereby authorized and directed to appoint a qualified person as Clerk of the Recorder's Court of Dunn, and at the same time said board is hereby authorized and directed to appoint an assistant clerk of said court, who shall in every respect have the same powers and authority as the clerk of said court.

"The Clerk and Assistant Clerk of the Recorder's Court of Dunn shall be appointed for a term of two years, the term of the first clerk and assistant clerk appointed under the provisions of this Act shall begin on June 1, 1955, and if a vacancy should, for any reason, occur in either of said offices, the Board of Commissioners of the Town of Dunn is authorized to fill such vacancy for the remainder of the unexpired term.

"The Clerk and Assistant Clerk of the Recorder's Court of Dunn shall have the same powers and authority with reference to the Recorder's Court of Dunn as the Clerk of the Superior Court for Harnett County shall have in the Superior Court.

"Before entering upon their duties, the Clerk and Assistant Clerk of the Recorder's Court of Dunn shall each take and subscribe to the same oath of office required of the Clerk of the Superior Court, which oaths of office shall be filed in the minutes of the Board of Commissioners of the Town of Dunn and in the office of the Clerk of the Superior Court for Harnett County."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 768 CHAPTER 684

AN ACT TO AMEND G. S. 14-78.1 RELATING TO TRADING FOR CORN WITHOUT PERMISSION OF THE OWNER OF THE PREMISES UPON WHICH SOLD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-78.1 is amended by inserting after the comma following the word "Columbus" and before the word "Edgecombe" in line five of said Section the word "Craven", and by inserting after the comma following the word "Edgecombe" and before the word "Halifax" in line six of said Section the word "Greene", and by inserting after the comma following the word "Hertford" and before the word "Nash" in line six of said Section the word "Martin", and by inserting after the comma following the word "Northampton" and before the word "Wake" in line six of said Section the words "Perquimans, Sampson", and by changing the period after the word "Warren" to a comma in line six of said Section and adding the following words "Wayne and Wilson." Further amend line six of said Section by changing the word "and" between the words "Wake" and "Warren" to a comma.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 840 CHAPTER 685

AN ACT RELATING TO THE CLOSED SEASON ON FOXES IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-111, as it appears in the 1953 Supplement to the General Statutes is amended by inserting after the comma following the word "Rowan" and before the word "Tyrrell" in line 4 of said Section, the word "Stokes,".

Sec. 1½. Nothing in this Act shall be construed as permitting the use of a snare.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 887 CHAPTER 686

AN ACT AUTHORIZING THE COUNTY OF SCOTLAND TO CONVEY TO MUNICIPAL PLAYGROUNDS, INC. CERTAIN LANDS TO BE USED FOR RECREATIONAL PURPOSES.

WHEREAS, by deed dated June 23, 1938, and duly recorded in the office of the Register of Deeds for Scotland County, North Carolina, in Deed Book U at page 512, Myrtle T. Moore conveyed to the County of Scotland approximately fifty-five (55) acres of land lying on the West side of Gum Swamp in Williamson Township, Scotland County, North Carolina; and

WHEREAS, said land was conveyed to Scotland County without consideration, but with the intent that said property be developed and operated as a recreational park for the purpose of providing recreational facilities under proper supervision and regulation, either directly by Scotland County or through some club, corporation, company of individuals or agency to be approved by the said Myrtle T. Moore, and with the further provision that said lands were at all times thereafter to be operated and maintained as a recreational park; and

WHEREAS, since the date of said conveyance, said property has been developed as a recreational facility without cost to Scotland County and has at all times been operated by a non-profit corporation known as Municipal Playgrounds, Inc.; and

WHEREAS, said Municipal Playgrounds, Inc. has, since the acquisition of said property, continued to develop and maintain the same without cost or obligation to Scotland County; and

WHEREAS, extensive repairs, renovation and development of said property are now necessary in order that the same may continue to be used for the purposes for which said property was conveyed to Scotland County; and

WHEREAS, such repairs, renovation and development will require the expenditure of large sums of money, which funds Scotland County does not now have available nor is it anticipated that said County will in the future have such funds available as may be necessary to carry on the recreational program which is required for the maximum use of said property; and

WHEREAS, Municipal Playbrounds, Inc., the non-profit corporation which has been operating said property as a playground facility, has indicated its willingness to invest sufficient funds in the repair, renovation and development of said property to insure the continued use of the same as a recreational facility, provided said property be conveyed to said corporation; and

WHEREAS, it is deemed to be in the best interest of Scotland County

and its citizens that said county be authorized to convey all its right, title and interest in and to said lands to Municipal Playgrounds, Inc. to the end that the same may be continued to be operated and developed as a recreational facility inasmuch as Scotland County is not now nor is it anticipated that it will at any time in the foreseeable future be in a position to expend sufficient funds to carry on an effectual recreational program; and

WHEREAS, the conveyance of said property by Scotland County to Municipal Playgrounds, Inc. has been approved by Mrs. Myrtle T. Moore, who conveyed said property to Scotland County for recreational purposes and without consideration; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Scotland County be and it is hereby authorized and empowered in its discretion to convey in the name of the County of Scotland and for the consideration of one dollar ($1.00) to Municipal Playgrounds, Inc. all the right, title and interest of said Scotland County in and to that certain tract of land containing fifty-five (55) acres, more or less, located on the West side of Gum Swamp in Williamson Township, Scotland County, North Carolina, and being more particularly described in a deed of conveyance from Myrtle T. Moore to the County of Scotland, said deed being duly recorded in the office of the Register of Deeds for Scotland County, North Carolina, in Deed Book U, at page 512.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 893 CHAPTER 687

AN ACT AMENDING G. S. 160-13 AUTHORIZING THE APPOINTMENT OF AN ASSISTANT JUDGE OF THE MAYOR'S COURT OF THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 160-13, as the same appears in Volume 3C of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Provided that the governing body of the City of Concord is hereby authorized to appoint an assistant judge of the mayor's court of said city to serve at the pleasure of said governing body and to be paid such salary as the governing body, in its discretion, may fix. The assistant judge provided for in this Act shall have the same jurisdiction, powers and duties, with respect to the Mayor's Court of the City of Concord, as the mayor has, and he shall hold court at such times as the governing body may direct."

Sec. 2. All costs provided by law collected by the Mayor's Court of the City of Concord shall be paid into the general fund of the city, and the city is authorized to pay out of the general fund an amount sufficient to meet the expenses of operating said court.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 917 CHAPTER 688

AN ACT TO VEST THE TITLE TO CERTAIN SCHOOL PROPERTY IN THE COUNTY BOARD OF EDUCATION OF LEE COUNTY AND TO AUTHORIZE THE SAID BOARD TO CONVEY TITLE TO SAME.

The General Assembly of North Carolina do enact:

Section 1. Title to all lands heretofore granted, devised, donated or conveyed to any committee, school district or school trustees for public school purposes within the boundaries of Lee County, as defined by Section 1 of Chapter 624, of the Public Laws of 1907, is hereby vested in the County Board of Education of Lee County, as if the same had been done at the creation of said county, subject to any conveyance made by said board. Said board is authorized and empowered to convey title to the lands referred to in this Section. Nothing in this Section applies to any lands conveyed to the trustees of the administrative unit of the City of Sanford or to any lands conveyed to any other such group operating a public school in whole or in part supported by taxation at the ratification of this Act.

Sec. 2. It is the purpose and intent of this Act to vest in the County Board of Education of Lee County title to lands which have heretofore been granted, devised, donated or conveyed to any committee, school district or school trustees for public school purposes in whole or in part to be supported by taxation within the boundaries of Lee County as defined by Section 1, Chapter 624, of the Public Laws of 1907. Any conveyance of said lands heretofore made by the said County Board of Education of Lee County is hereby validated.

Sec. 3. This Act shall apply to Lee County only.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 929 CHAPTER 689

AN ACT TO EXTEND THE EXERCISE OF POWERS BY POLICE OFFICERS TO ONE MILE BEYOND THE CORPORATE LIMITS OF THE TOWN OF RAEFORD, IN HOKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The members of the town police of the Town of Raeford, in Hoke County, shall have in all that territory embraced within one mile in all directions of the present corporate limits of said town all the power and authority which they now exercise within the corporate limits of said town.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

H. B. 948 CHAPTER 690

AN ACT TO AMEND SECTION 161-4 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE BOND OF THE REGISTER OF DEEDS OF NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 161-4 of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following:

"Provided, that the Register of Deeds of Nash County shall give bond with sufficient surety, to be approved by the board of county commissioners, in a sum not exceeding thirty thousand dollars ($30,000.00), payable to the State, and conditioned for the safekeeping of the books and records, and for the faithful discharge of the duties of his office, and shall renew his bond annually on the first Monday in December."

Sec. 2. The terms of this Act shall apply only to Nash County.

Sec. 3. All laws or clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1955.

S. B. 329 CHAPTER 691

AN ACT TO AMEND G. S. 35-4 RELATING TO THE RESTORATION TO SANITY OR SOBRIETY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 35-4 is hereby amended by striking out the comma immediately after the word "residence" in lines five and six, and inserting

a semicolon in lieu thereof, and by striking out the following words which appear thereafter:

"or before the clerk of the Superior Court of the county wherein such person is confined or held;".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of April, 1955.

S. B. 378 CHAPTER 692

AN ACT TO PROHIBIT THE TAKING OF BEAVER BY ANY MEANS IN THE COUNTIES OF MOORE, MONTGOMERY, HOKE, RICHMOND AND SCOTLAND.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful in the Counties of Moore, Montgomery, Hoke, Richmond and Scotland for any person to shoot, trap or take beaver by any means whatsoever.

The Wildlife Resources Commission is authorized to issue permits for any landowner to kill, trap or take beaver which have become seriously injurious to agriculture or other interests on such landowner's property. Beaver may be captured alive by agents or deputies of the Wildlife Resources Commission, or under its direction, and planted in other sections of the State for restocking, or beaver so taken may be disposed of in such other manner as may be determined by the Wildlife Resources Commission.

Sec. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of April, 1955.

S. B. 396 CHAPTER 693

AN ACT RELATING TO JAIL FEES IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Each prisoner in prison in the jail of Richmond County not to be charged more than one dollar ($1.00) for the imprisonment and not to be charged more than one dollar ($1.00) for release from prison, the amount to be fixed by County Commissioners. In addition thereto each prisoner shall be charged with an amount to be fixed by the Board of County Commissioners of said county not exceeding two dollars ($2.00)

per day for board and lodging. All of which shall be taxed in the bill of costs of the prisoner and paid to Richmond County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of April, 1955.

H. B. 536 CHAPTER 694

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF LAURINBURG, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Section 1. Incorporation and corporate powers. The inhabitants of the City of Laurinburg, North Carolina, within the boundaries as established in Section three of this Charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the City of Laurinburg, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, hold, manage, and control such property as its interest may require; and, except as prohibited by the Constitution of North Carolina or restricted by this Charter, the City of Laurinburg shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the City of Laurinburg by this Section:

(1) To levy, assess, and collect taxes; to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain, and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation or otherwise, property within or without its corporate limits necessary for such public improvements or for any governmental purposes; and also to acquire an excess over that needed for any such improvement, under the same procedure as provided in the Chapter "Eminent Domain", Article 2 of the General Statutes of North Carolina, and to sell or lease such excess property with restrictions, in order to protect and preserve the same.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the city, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the city, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) To organize and administer public libraries, recreation facilities, and cemeteries, subject to the provisions of the Constitution and General Statutes of North Carolina.

(6) To regulate, license, or prohibit the business of slaughtering animals in the city limits.

(7) To provide for the adoption, by reference, of standard building, electric, plumbing, gas or other similar codes.

(8) To adopt and enforce within its limits local police, sanitary, fire, building, traffic, and other similar regulations not in conflict with general laws of North Carolina.

(9) To establish, operate, own, maintain, and regulate markets, whether within or without the corporate limits, as heretofore or hereafter prescribed by Act of the General Assembly.

(10) To regulate the laying out and opening of parks and streets and the size of lots and building lines, not only within the corporate limits of the said city, but within one-half mile of said corporate limits, and to provide that before any street is opened or existing street extended, or any new subdivision of property opened or lots offered for sale, touching said street or in said subdivision, a map of such proposed subdivision or street shall be submitted, together with such data as the council, in its discretion, shall require.

(11) To establish and maintain a traffic bureau as heretofore and hereafter provided by Act of the General Assembly.

(12) Except as otherwise provided in this Section the city council shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 2. Enumerated powers not exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the City of Laurinburg shall have, and may exercise, all powers which, under the Constitution and General Statutes of North Carolina, it would be competent for this Charter specifically to enumerate. All powers of the city, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in the manner provided by the General Statutes of North Carolina, or if not prescribed by such General Statutes, then in the manner provided by ordinance or resolution of the city council.

Sec. 3. Corporate limits. The corporate limits of the city shall be as follows:

Situated in Stewartsville and Laurel Hill Townships, Scotland County, North Carolina, and BEGINNING at a corner in the run of Leith's Creek, located South 42 degrees 51 minutes West 243 feet from a stake in the

center of the Seaboard Air Line Railroad main line track (said corner in the center of the railroad tract being located southeastwardly 3,957 feet, measured along the center of the track, from the intersection of the center line of the railroad track with the center line of Main Street in the City of Laurinburg), and runs thence from said point of beginning North 42 degrees 51 minutes East 2,664.4 feet to a concrete monument, the eastern corner of the original boundary of the city; thence North 47 degrees 9 minutes West 652.1 feet to a concrete monument in the southern line of Gamma Street; thence with the southern line of Gamma Street North 54 degrees 22 minutes East 546.4 feet to a concrete monument; thence North 12 degrees 11 minutes West 1,251.8 feet to a concrete monument in the southern line of McGirt's Bridge Road; thence with the southern line of McGirt's Bridge Road South 54 degrees 22 minutes West 1,278.5 feet to a concrete monument; thence North 47 degrees 9 minutes West 1,066.8 feet to a concrete monument in the eastern line of property of the City of Laurinburg Housing Authority; thence with the eastern line of the Housing Authority property North 23 degrees 19 minutes West 390.4 feet to a concrete monument, a corner of the Housing Authority land; thence with the northern line of the Housing Authority property South 67 degrees 35 minutes West 173.9 feet to a concrete monument; thence North 47 degrees 9 minutes West 4,146.2 feet to a concrete monument, the northern corner of the original boundary of the City of Laurinburg; thence South 42 degrees 50 minutes West 5,042.7 feet to the center line of the Seaboard Air Line Railroad Company main track; thence, continuing the same course, South 42 degrees 50 minutes West 2,242.4 feet to a concrete monument, the western corner of the original boundary; thence South 11 degrees 39 minutes East 1,141.1 feet to a concrete monument; thence North 78 degrees 21 minutes East 814.4 feet to a concrete monument; thence South 47 degrees 10 minutes East 1,700.6 feet to a concrete monument in the northern line of a public alley, which monument is located 20.6 feet East of the eastern line of Azure Court; thence with and beyond the northern line of the alley South 71 degrees 33 minutes West 1,176.5 feet to a concrete monument in Asheville Street; thence to and with the eastern line of Asheville Street South 21 degrees 14 minutes East 463.7 feet to a concrete monument; thence across Asheville Street and with the line of a ditch South 69 degrees 45 minutes West 331.5 feet; thence with the line of the ditch South 66 degrees 58 minutes West 348 feet; thence with the line of the ditch South 67 degrees 31 minutes West 319.3 feet to a concrete monument in the western right-of-way line of the Carolina Power and Light Company; thence with the western right-of-way line of the Carolina Power and Light Company South 51 degrees 2 minutes East 1,735.1 feet to a concrete monument; thence South 1 degree 7 minutes East 385.5 feet to a concrete monument near the northern line of Lonnie Lane; thence South 18 degrees 9 minutes West 488.4 feet to a concrete monument; thence South 11 degrees 43 minutes West 635.3 feet to a concrete monument; thence South 20 degrees 47 minutes East 630.7 feet to a concrete monument; thence South 26 degrees 55 minutes West 654.3 feet to a concrete monument; thence South 63 degrees 5 minutes East 300 feet to a stake at the intersection of the

center line of South Atkinson Street with the center line of South Main Street; thence South 46 degrees 30 minutes East 250 feet to a concrete monument in South Biggs Street; thence with Biggs Street North 43 degrees 30 minutes East 1,594.6 feet to a concrete monument; thence North 31 degrees 52 minutes East 215.9 feet to a concrete monument; thence North 74 degrees 31 minutes East 1,910.8 feet to a concrete monument on the West bank of a ditch; thence with the West bank of the ditch South 9 degrees 23 minutes East 139.2 feet to a concrete monument; thence, continuing with the West bank of the ditch, South 21 degrees 23 minutes West 862.1 feet to a concrete monument; thence North 87 degrees 40 minutes East 1,177.6 feet to an iron pipe in a service drive of the Washington Park School and in the western line of Caledonia Road; thence with the western line of Caledonia Road North 4 degrees 9 minutes East 1,201.5 feet to a concrete monument in the southern right-of-way line of the Carolina Power and Light Company; thence with the southern right-of-way line of the Carolina Power and Light Company North 85 degrees 43 minutes East 661.6 feet to a concrete monument; thence North 60 degrees 46 minutes East 2,150.8 feet to a concrete monument; thence North 52 degrees 12 minutes East 728.6 feet to a corner in the run of Leith's Creek; thence northwardly with the various courses of the run of Leith's Creek to the BEGINNING.

Sec. 4. City council; creation, salary, and compensation of mayor and city council. Except as otherwise provided in this Charter, all powers of the city shall be vested in a city council composed of five (5) councilmen and a mayor nominated and elected from the city at large in the manner hereinafter provided. The term of office of the mayor shall be for two (2) years; and the term of office for the councilmen shall be for two (2) years, or four (4) years as hereinafter provided, or until their successors are elected and qualified, and shall begin on Wednesday after the first Monday in May following their election. If a vacancy occurs in the office of mayor or councilman, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the city council. Each member of the city council shall receive a salary the amount of which shall be prescribed by ordinance; however, no salary increase shall take effect during the year in which this increase is voted. Members of the city council shall be qualified electors of the city. A member of the city council ceasing to possess any of the qualifications specified in this Section, or convicted of a felony while in office, shall immediately forfeit his office.

Sec. 5. Meetings of the city council. At 12:00 o'clock, noon, on Wednesday after the first Monday in May following a regular municipal election the city council shall meet at the City Hall; and the newly elected members shall assume the duties of office. Thereafter the city council shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the city council. Any such notice shall state the subject to be considered at the special meeting; and no other subject shall be there considered unless all members are present or all absent members waive notice of such addi-

tional matters. All meetings of the city council and of committees thereof shall be open to the public; and the rules of the city council shall provide that citizens of the city shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

Sec. 6. Mayor and mayor pro tem. At its first meeting in the month of May following a regular municipal election the city council shall choose one of its members as vice chairman, who shall act as mayor pro tempore. The mayor shall preside at meetings of the city council, and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the city. The mayor shall not vote on any question before the council except in case of tie vote deadlocking a decision of the council. He shall be recognized as the head of the city government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the city council, take command of the police, maintain order, and enforce the law. In case of the absence or disability of the mayor, the mayor pro tempore shall act as mayor during such absence or disability, and shall have the same authority, exercise all powers and perform such duties as are authorized or prescribed for the mayor.

Sec. 7. City council rules. The city council shall be the judge of the election and qualifications of its members and of the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the city council in any such case shall be subject to review by the courts. The city council shall determine its own rules and order of business and keep a journal of its proceedings in a separate book used only for this purpose.

Sec. 8. Quorum. A majority of the members elected to the city council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the city council or, in the case of a tie vote, of two members of the city council and the mayor shall be necessary to adopt any ordinance, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct.

Sec. 9. Introduction and passage of ordinances and resolutions. Ordinances and resolutions shall be introduced in the city council only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the

proceedings of the city council. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Laurinburg".

Sec. 10. When ordinances and resolutions take effect.—Emergency measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to the issuance of bonds, local improvements and assessments, ordinances and resolutions providing for or directing any investigation of city affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this Charter, all other ordinances and resolutions passed by the city council shall take effect at the time indicated therein, but not sooner than the date the summary of such ordinance is published or posted as provided in Section 11 of this Act. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health, or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least four members of the city council shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal, or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the city council except as defined in this Section, and it is the intention of this Charter that such definition shall be strictly construed by the courts.

Sec. 11. Authentication and publication of ordinances and resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the city clerk, and shall be recorded in a book kept for that purpose. Within ten days after final passage, a notice setting forth in brief the substance of each ordinance shall be published or posted at least once in such manner as the city council may prescribe.

NOMINATIONS AND ELECTIONS

Sec. 12. Municipal elections. The regular election for the choice of mayor and members of the city council as hereinafter provided shall be held on Tuesday following the first Monday in May in odd numbered years. The city council may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 13. Regulation of elections. All elections shall be conducted in accordance with the general State laws relating to municipal elections, except as otherwise provided herein.

Sec. 14. Candidates for mayor - city council. Any qualified elector of the city may become a candidate for mayor or the city council by filing a statement of such candidacy as provided in this Section. On each statement of candidacy filed shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. All statements of candidacy shall be filed by the candidate with the city clerk not earlier than ninety days nor later than thirty days before the election and shall be in substantially the following form:

"I, the undersigned elector of the City of Laurinburg, hereby declare that I am a candidate for the office of....., to be voted for at the election to be held on the.....day of....., 19.....

"If elected I hereby agree to serve for the term of office as set forth in the Charter of the City of Laurinburg.

"....."

Signature of Candidate

"Date of filing.....

"This statement was filed by.....whose address is.....Street.

"....."

Signature (City Clerk)"

Each candidate for mayor shall pay a filing fee of ten dollars ($10.00), and each candidate for the council a fee of five dollars ($5.00). The city clerk shall take and preserve each statement filed. No statement shall be accepted by the clerk if not signed by the candidate in person, or if it is determined the candidate is not a qualified elector. Any candidate may withdraw his statement of candidacy not later than the last day for filing by filing a notice of withdrawal with the city clerk. The statement of each candidate for mayor or a member of the city council shall be preserved by the city clerk until the expiration of the term of office for which he has filed.

Sec. 15. Ballots. The names of candidates for mayor or city council in accordance with the provisions of this Charter, except such as may have been withdrawn, died, or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order, it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Sec. 16. Election of mayor and city council; terms of office; tie vote. All members of the city council shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for three candidates for the city council. The two members of the city council who were elected to office for a term of four years at the election in 1953 shall continue in office for the remainder of their terms unless they shall die, resign, or become disqualified to hold such office prior to the expiration of their present terms. Three councilmen shall be elected at each regular municipal election, commencing with the regular election for the office of mayor and city councilmen to be held on Tuesday after the first Monday in May, 1955. The two councilmen receiving the largest number of votes shall serve for a term of four years, and the remaining councilmen so elected shall serve for a term of two years, or until their successors are

duly elected and qualified. The term of office for the mayor and the councilmen shall begin on Wednesday after the first Monday in May following the election.

ADMINISTRATIVE SERVICE

Sec. 17. Appointment of officers and members of boards. The city council shall appoint a city manager, city attorney, city clerk, city treasurer, city tax collector, and such other board members of the Laurinburg Administrative School Unit in conjunction with the Laurinburg Administrative School Unit as by law provided, and such other board, commission, or committee members as are required from time to time or as they deem best. None of the Administrative officers need be a resident of the city at the time of appointment. The city council may combine the office of city clerk, city tax collector, and treasurer or any two of the same. All officers appointed shall serve at the pleasure of the city council. The city council shall fix all compensation for officers and employees, prescribe bond, and require oaths for all officers.

Sec. 18. Creation or consolidation of departments. The City Council of the City of Laurinburg is hereby authorized and empowered, in its discretion, to create, to combine and to consolidate any department when deemed wise or expedient for saving or efficiency.

Sec. 19. City manager. The city manager shall be appointed by the city council on the basis of his qualifications for the position only. The manager shall serve at the pleasure of the city council; and, in the event of dismissal, the city council shall give the manager at least thirty days' notice of such dismissal and the reasons therefor in writing. The city council shall give the manager a hearing on the question of his dismissal if requested by the manager in writing to do so. If such a hearing is requested, the dismissal shall not become effective until after the date of the hearing, if such hearing is held after the expiration of the thirty days' notice period set forth in this Section. In accordance with the provisions of the General Statutes, particularly Chapter 160-349, the city manager shall: (1) Be the administrative head of the city government; (2) see that within the city the laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed; (3) attend all meetings of the council, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the council from time to time upon the affairs of the city, and keep the council fully advised of the city's financial condition and its future financial needs; (5) appoint and remove heads of departments, superintendents, and other employees not appointed by the city council; and (6) perform all other duties required by the city council.

Sec. 20. Duties of city clerk. The clerk shall keep the records of the council and perform such other duties as may be required by law or the city council.

Sec. 21. Duties of city attorney. The city attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least two years. He shall be the chief legal adviser of, and attorney for, the city and all departments and officers thereof in matters relating

to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the office of city attorney; to attend all meetings of the city council; to give advice in writing, when so requested, to the city council and city manager; to prosecute or defend, as the case may be, all suits or actions to which the city may be a party; to prepare all contracts, bonds, and other instruments in writing in which the city is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of legal nature as the city council may require. In addition to the duties imposed upon the city attorney by this Charter or required of him by ordinance or resolution of the city council, he shall perform any duties imposed by law upon the chief legal officers of municipalities.

Sec. 22. Duties of city tax collector. The tax collector shall collect all taxes, licenses, fees, and other monies belonging to the city government, subject to the provisions of this Charter and ordinances enacted thereunder; and he shall diligently comply with, and enforce, the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the city depository all money belonging to the city.

Sec. 23. Duties of city treasurer. The treasurer shall have custody of, and shall disburse, all monies belonging to the city government, subject to the provisions of this Charter and ordinances enacted hereunder; shall have custody of all investments and invested funds of the city or in possession of the city in a fiduciary capacity; shall keep a record of such investments; and shall have custody of all bonds and certificates of city indebtedness, including such bonds and certificates unissued or cancelled, and the receipt and delivery of city bonds and certificates for transfer, registration, or exchange.

Sec. 24. Custody of city money. All monies received by any department or agency of the city for or in connection with the business of the city government shall be paid promptly into the city depository. Such institution shall be designated by the city council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on monies belonging to the city shall accrue to the benefit of the city government. All monies belonging to the city government shall be disbursed only on vouchers signed by the treasurer and countersigned by the officer designated by the city council except those made from a petty cash fund as authorized by the city council.

Sec. 25. Issuance of bonds. The city may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Sec. 26. Purchase procedure. Before making any purchase for supplies, materials, or equipment, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the city council may prescribe by ordinance. All expenditures for supplies, materials, or equipment involving more than one thousand dollars ($1,000.00) shall be

made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance.

Sec. 27. Contracts for city improvements. Any city improvement in an amount equal to or more than twenty-five hundred dollars ($2,500.00) shall be executed by contract except where such improvement is authorized by the city council to be executed directly by a city department in conformity with detailed plans, specifications, and estimates. All such contracts for more than twenty-five hundred dollars ($2,500.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the city council shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the city council. Improvement projects costing not in excess of fifteen thousand dollars ($15,000.00) may be performed by a department or employees of the city in accordance with Section 143-135 of the General Statutes.

Sec. 28. Contracts extending beyond one year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of intention to pass the same shall be published in a newspaper of general circulation within the city at least ten days before its passage by the city council.

Sec. 29. Independent audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the city government by qualified public accountants, selected by the city council, who have no personal interest directly or indirectly in the financial affairs of the city government or of any of its officers. The results of this audit shall be published as required by State law.

Sec. 30. Publicity of records. All records and accounts of every office and department of the city shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the city council.

Sec. 31. Personal interest. Neither the mayor nor any member of the city council nor any officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale by the city of any land, materials, supplies, or services, except on behalf of the city as an officer or employee. Any willful violation of this Section shall in addition to other penalties imposed by law constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the city, shall render the contract voidable by the city council.

Sec. 32. Oath of office. Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the Charter and ordinances of the City of Laurinburg, and will faithfully discharge the duties of the office of....."

Sec. 33. Police jurisdiction outside city. The Chief of Police and each and every member of the Police Department of the City of Laurinburg in Scotland County, are hereby given the same jurisdiction and power in all territory situated within one mile of the corporate limits of said City of Laurinburg, but not within the corporate limits of any other municipality, as is now exercised by police officers within the corporate limits of the said city.

Sec. 34. Continuance of contracts. All contracts entered into by the city or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements, for which legislative steps have been taken under laws or Charter provisions existing at the time this Charter takes effect, may be carried to completion in accordance with the provisions of such existing laws and Charter provisions.

Sec. 35. Saving clause. If any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the Charter. The provisions of this Charter shall supersede all laws and ordinances not consistent herewith, insofar as the City of Laurinburg is affected thereby.

Sec. 36. Repealing clause. All laws and clauses of laws constituting the Charter of the City of Laurinburg, and affecting the governing thereof, are continued in full force and effect unless in direct conflict with the provisions of this Act.

Sec. 37. Effect. This Act shall be in full force and effect from and after its ratification, provided that the mayor and city council in office at the time this Charter takes effect shall continue in office until their successors are elected and qualified.

In the General Assembly read three times and ratified, this the 26th day of April, 1955.

H. B. 866 CHAPTER 695

AN ACT TO REGULATE THE DEPOSITING OF DISCARDED OIL CANS, TRASH, SCRAPPED AUTOMOBILES, TRUCKS, OR PARTS THEREOF, OR OTHER REFUSE ON THE LANDS OF ANOTHER AND WITHIN 100 FEET OF A PUBLIC ROAD OR HIGHWAY.

The General Assembly of North Carolina do enact:

Section 1. For the purposes of this Act the word "person" shall be defined as including not only an individual or individuals but also firms, partnerships, corporations, societies and associations.

Sec. 2. Any person, as herein defined, not being on his or its own lands, or who without the consent of the owner as to other lands or real estate, shall within 100 feet of any public road or highway of the State

of North Carolina deposit any discarded oil cans, trash, refuse, garbage, scrapped automobiles, scrapped trucks, or parts thereof, or any other refuse or litter, shall be guilty of a misdemeanor and upon a plea of guilty or a conviction thereof shall be punished by a fine of not less than ten dollars ($10.00) and not more than fifty dollars ($50.00) for each offense.

Sec. 3. Notwithstanding any of the provisions of Section 1 and Section 2 of this Act, the board of county commissioners may designate sites or places where the trash, refuse, scrapped automobile bodies or trucks mentioned in Section 2 of this Act may be deposited, dumped or placed with permission of the owner of such property, and it shall be lawful to use such places so designated for the purposes herein described.

Sec. 4. This Act shall apply to Pasquotank County only.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of April, 1955.

H. B. 897 CHAPTER 696

AN ACT AMENDING G. S. 47-95 RELATIVE TO ACKNOWLEDGMENTS TAKEN BY NOTARIES INTERESTED AS TRUSTEE OR HOLDING OTHER OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 47-95, as the same appears in Volume 2A of the General Statutes, be and the same is hereby amended by striking out the figures "1939" appearing in line three and inserting in lieu thereof the figures "1951".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 2½. This Act shall not apply to pending litigation.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of April, 1955.

S. B. 76 CHAPTER 697

AN ACT TO EXEMPT PEANUTS FROM 80% OF AD VALOREM TAXATION IN THE YEAR FOLLOWING THE YEAR IN WHICH GROWN BY PROVIDING THAT PEANUTS SHALL BE TAXED AT ONLY 20% OF THE AD VALOREM PROPERTY TAX RATE.

WHEREAS, the growth and storage of peanuts is of great importance to many of the farmers of North Carolina; and

WHEREAS, high tax rates and lack of uniformity in the percentage

of the total valuation assessed has caused the transfer of peanuts from North Carolina to points outside the State each year prior to January first, thereby depriving North Carolina warehouses of income from the storage of these peanuts and a loss of income from extra labor which would be required in removing said peanuts after January first; and

WHEREAS, it is believed that a low tax rate would encourage the storage of peanuts in North Carolina, which would result in increased income for farmers and warehousemen: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Chapter 105 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 105-294.1, to be designated as G. S. 105-294.2, and to read as follows:

"G. S. 105-294.2.—Peanuts; year following year in which grown. Peanuts shall be taxed uniformly as a class in the year following the year in which such peanuts are grown at not less than twenty per cent (20%) nor more than sixty per cent (60%) of the rate levied for all purposes upon real estate and other tangible personal property by or for said county and the city, town, or special district, if any, in which such peanuts are listed for taxation. The amount of the per cent of the tax rate to be applicable to such peanuts as herein provided shall be fixed each year for the succeeding year by the county board of commissioners not later than the time of the first September meeting of said board."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification and shall apply with respect to all ad valorem taxes on peanuts, as specified above, becoming due after the effective date of this Act.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

S. B. 157 CHAPTER 698

AN ACT TO REVISE AND REWRITE THE MUNICIPAL FISCAL CONTROL ACT.

The General Assembly of North Carolina do enact:

Section 1. Article 33 of subchapter IV of Chapter 160 of the General Statutes of North Carolina is hereby rewritten to read as follows:

Article 33
FISCAL CONTROL

Section 160-409. Title; Definitions.—This Article shall be known and may be cited as "The Municipal Fiscal Control Act."

In this Article, unless the context otherwise requires, certain words and expressions have the following meaning:

(a) "Accountant" means the officer designated or appointed under the provisions of Section 160-409.1.

(b) The "budget year" is the fiscal year for which a budget is being prepared.

(c) "Debt service" means the payment of principal and interest on bonds and notes as such principal or interest falls due, and the payments of moneys required to be paid into sinking funds.

(d) The "fiscal year" is the annual period for the compilation of fiscal operations, and begins on the first day of July and ends on the 30th day of June.

(e) "Fund" means a sum of money or other resources segregated for the purpose of carrying on specific activities or attaining certain objectives and constituting an independent fiscal and accounting entity. Each municipality shall maintain the following funds:

(1) General Fund.

(2) Debt Service Fund.

(3) A fund for each special tax levied by the governing body.

(4) A fund for each utility; provided, that where a water system and a sanitary sewerage system are operated as a combined and consolidated system in the manner provided by law, one fund may be established to account for the revenues and expenditures of both.

(5) A bond fund to account for the application of the proceeds of the sale of bonds to the specific purpose for which such bonds were duly authorized.

(6) A fund for each subdivision to account for the collections of each special tax levied for a particular function or purpose of such subdivision.

(7) Such other funds as may be established by the governing body, separately stated.

(f) "Governing Body" means the board or body in which the general legislative powers of a municipality are vested.

(g) "Municipality" means any city, town, or incorporated village in this State, now or hereafter incorporated.

(h) "Subdivision" means a school district, school taxing district, or other political corporation or subdivision wholly or partly within a municipality, the taxes for which are under the law levied by the governing body of the municipality.

(i) The "surplus" of a fund at the close of a fiscal year means the amount by which the cash balance exceeds the total of current liabilities, the encumbrances, and the taxes or other revenue collected in advance. Encumbrances are obligations in the form of purchase orders, contracts, or salary commitments which are chargeable to an appropriation made in the year just closing and which are unpaid at the close of such year. Taxes or other revenue collected in advance are sums received in the year just closing but which are not due until after the beginning of the new fiscal year.

Section 160-409.1. Municipal Accountant.—In all cases where a city or town charter provides for the office of accountant or director of finance, the incumbent in such office shall be the municipal accountant of such city or town for the purposes of this Article. Where the city or town charter does not create such an office, the municipal accountant shall be designated or appointed as follows: (a) in cities and towns governed under the manager form of government, the powers and duties herein

imposed and conferred on the municipal accountant shall be imposed and conferred on the manager or on some person designated or appointed by the manager to serve at the will of the manager; (b) in cities and towns having a full-time mayor, the powers and duties herein imposed and conferred on the municipal accountant shall be imposed and conferred on the full-time mayor or on some person appointed or designated by the mayor to serve at the will of the mayor; (c) in cities and towns having neither a manager nor a full-time mayor, the powers and duties herein imposed and conferred on the municipal accountant shall be imposed and conferred on the clerk of the municipality or on some person appointed or designated by the governing body to serve at the will of the governing body: Provided, that the experience, training, and qualifications of any person on whom the powers and duties of the municipal accountant are imposed and conferred by or under this Section shall be approved by the Local Government Commission, which approval shall continue until revoked by such Commission. If any person upon whom the powers and duties of the municipal accountant are imposed and conferred is a tax collecting officer of the municipality, it shall be the duty of the governing body to require all his books and accounts to be audited at least annually by a certified public accountant or by a public accountant registered under Chapter 93 of the General Statutes.

Section 160-409.2. Bond of Accountants.—Every person designated or appointed as municipal accountant may be required to furnish bond in some surety company authorized to do business in North Carolina, the amount of such bond to be fixed by the governing body, approved by the governing body and by the Local Government Commission, and conditioned for the faithful performance of his duties imposed by law.

Section 160-409.3. Additional Duties of Municipal Accountants.—In addition to the duties imposed and powers conferred upon the municipal accountant by this Article, he shall have the following duties and powers:

(a) He shall act as accountant for the municipality and subdivisions in settling with all municipal officers.

(b) He shall keep or cause to be kept a record of the date, source, and amount of each item of receipt, and the date, the payee or contractor, the specific purpose, and the amount of every disbursement or contract made; and he shall keep or cause to be kept a copy of every contract made requiring the payment of money.

(c) He shall examine once a month, or at such other times as the governing body may direct, all books, accounts, receipts, vouchers, and other records of all officers and employees receiving or expending money of the municipality or any subdivision thereof: Provided, that the governing body may relieve the municipal accountant of the duty of examining the records of any such officer or employee whose records are audited at least annually by a certified public accountant or by a public accountant registered under Chapter 93 of the General Statutes.

(d) He shall, as often as he may be directed by the governing body, file with the governing body a complete statement of the financial condi-

tion of the municipality and subdivisions, showing the receipts and expenditures of the different offices, departments, institutions, and agencies.

(e) He shall advise with the heads of offices, departments, institutions, and agencies of the municipality and its subdivisions and with State officers as to the best and most convenient method of keeping accounts, and shall inform himself as to the best and simplest methods of keeping accounts, so as to bring about as far as possible a simple, accurate, and uniform system of keeping accounts of the municipality and subdivisions.

(f) He shall not allow any bill or claim unless the same be so itemized as to show the nature of the services rendered.

(g) He shall perform such other duties having relation to the purposes of this Article as may be imposed upon him by the governing body.

Section 160-410. Heads of Offices, Departments, Institutions, and Agencies to File Budget Statements Before June 1.—It shall be the duty of all heads of offices, departments, institutions, and agencies of the municipality and its subdivisions to file with the municipal accountant on or before such date prior to the first day of June each year as the municipal accountant may direct (a) a complete statement of the amounts expended for each object of expenditure in his office, department, institution, or agency, in the fiscal year preceding the then current fiscal year, and (b) a complete statement of the amount expended and estimated to be expended for each object in his office, department, institution, or agency in the current fiscal year, and (c) an estimate of the requirements of his office, department, institution, or agency for each object in the budget year. Such statements and estimates shall list each object of expenditure in such form and in such detail as may be prescribed by the municipal accountant, and shall include such other supporting information as may be prescribed by the municipal accountant.

Section 160-410.1. Budget Estimate.—Upon receipt of such statements and estimates, the municipal accountant in municipalities not having the manager form of government or the manager in municipalities having the manager form of government, shall prepare (a) his estimate of the amounts necessary to be appropriated for the budget year for the various offices, departments, institutions, and agencies of the municipality and its subdivisions, listing the same under the appropriate funds maintained as required by Section 160-409, which estimate shall include the full amount of all debt service which the municipal accountant or manager through the exercise of due diligence determines will be due and payable in the budget year and also shall include the full amount of any deficit in any fund, and it may include a contingency estimate for each fund to meet expenditures for which need develops subsequent to the passage of the appropriation ordinance, and (b) an itemized estimate of the revenue to be available during the budget year, separating revenue from taxation from revenue from other sources and classifying the same under the appropriate funds maintained as required by Section 160-409, and (c) an estimate of the amount of surplus in each fund as of the beginning of the budget year which he recommends be appropriated to meet expenditures for the budget year. These estimates shall be broken down into as

much detail and have appended thereto such information as the governing body may direct and otherwise to take such form as the municipal accountant or manager may determine. The estimates of revenues when added to the surplus figure for each fund shall equal the estimates of appropriations for that fund. The municipal accountant or manager shall also include with such estimates a statement of the rate of tax which will have to be levied in each fund in order to raise the amount of revenue from taxation included in the estimates of revenue: Provided, that the municipal accountant or manager shall indicate clearly in such statement the percentage of taxes levied which he estimates will be collected in the budget year and on which he has based the rate of tax necessary to raise the amount of revenue from taxation included in the estimates of revenue. Such estimates and statements of the municipal accountant or manager shall be termed the "budget estimate", and shall be submitted to the governing body not later than the 7th day of July of each year: Provided, that the budget estimate may be submitted to the governing body on such earlier date as the municipal accountant or manager, with the approval of the governing body, may determine. The municipal accountant or manager may submit a budget message with the budget estimate which may contain an outline of the proposed financial policies of the municipality for the budget year, may describe in connection therewith the important features of the budget plan, may set forth the reasons for stated changes from the previous year in appropriation and revenue items, and may explain any major changes in financial policy.

Section 160-410.2. Time for Filing Budget Estimate.—Immediately upon the submission of the budget estimate, and at least 20 days before the adoption of the budget ordinance, the governing body shall: (a) file the budget estimate in the office of the clerk of the municipality where it shall remain for public inspection, and (b) make available a copy of the budget estimate for all newspapers published in the municipality, and (c) cause to be published in at least one newspaper published in the municipality a statement that the budget estimate has been presented to the governing body and that a copy of the same is on file for public inspection in the office of the clerk of the municipality, which statement may also include such other information as the municipal accountant may determine: Provided, however, that if no newspaper be published in the municipality, such statement shall be posted at the door of the city hall or town hall and at least three other public places in the municipality at least 20 days before the passage of the budget ordinance.

Section 160-410.3. Budget Ordinance.—It shall be the duty of the governing body, at least 20 days subsequent to the publication of the statement required by Section 160-410.2 but not later than the 28th day of July in each year, to adopt and record on its minutes a budget ordinance, the form of which shall be prescribed by the municipal accountant or manager. The budget ordinance shall, on the basis of the estimates and statements submitted by the municipal accountant or manager, make appropriations for the several offices, departments, institutions, and agencies of the municipality and its subdivisions, and the budget ordinance shall pro-

vide for the financing of the appropriations so made. The appropriations shall be made in such sums as the governing body may deem sufficient and proper, whether greater or less than the recommendations of the budget estimate, and the appropriation or appropriations for each office, department, institution, or agency shall be made in such detail as the governing body deems advisable: Provided, however, that (a) no appropriation recommended by the municipal accountant or manager for debt service shall be reduced, and (b) the governing body shall appropriate the full amount of all lawful deficits reported in the budget estimate, and (c) no contingency appropriation shall be included in any fund in excess of five per cent (5%) of the total of the other appropriations in the fund: Provided, that before any or all of such contingency appropriation be expended, the governing body must by ordinance authorize the expenditure, and (d) no appropriations shall be made which will necessitate the levy of a tax in excess of any constitutional or statutory limits of taxation, and (e) the total of all appropriations in each fund shall not be in excess of the estimated revenues and surplus available to that fund. The revenue portion of the budget ordinance shall include the following: (a) a statement of the revenue estimated to be received in the budget year in each fund maintained as required by Section 160-409, separating revenues from taxes to be levied for the budget year from revenues from other sources and including such amount of the surplus of each fund on hand or estimated to be on hand at the beginning of the budget year as the governing body deems advisable to appropriate to meet expenditures of such fund for the budget year; and (b) the levy of such rate of tax for each fund in the budget year as will be necessary to produce the sum appropriated less the estimates of revenue from sources other than taxation and less that part of the surplus of the fund which is proposed to be appropriated to meet expenditures in the budget year. In determining the rate of tax necessary to produce such sums, the governing body shall decide what portion of the levy is likely to be collected and available to finance appropriations and shall make the levy accordingly; and further the governing body shall not estimate revenue from any source other than the property tax in an amount in excess of the amount received or estimated to be received in the year preceding the budget year unless it shall determine that the facts warrant the expectation that such excess amount will actually be realized in cash during the budget year.

Section 160-410.4. Copies of Ordinance Filed with Municipal Treasurer and Municipal Accountant.—A copy of the budget ordinance shall be filed with the municipal treasurer or other officer or agent performing the functions ordinarily assigned to the municipal treasurer, and another copy thereof shall be filed with the municipal accountant, both copies so filed to be kept on file for their direction in the disbursement of municipal funds.

Section 160-410.5. Failure to Raise Revenue a Misdemeanor.—Any member of a governing body of any municipality who shall fail to vote to raise sufficient revenue for the operating expenses of the municipality as provided for in Section 160-410.3, shall be guilty of a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.

Section 160-410.6. Emergencies.—In case an emergency arises necessitating the expenditure of funds and in case under the existing budget ordinance there are no funds available to meet such expenditure, the governing body may make application to the Local Government Commission and such Commission may permit the governing body to anticipate the taxes of the next fiscal year by not more than five per cent (5%) of the tax levy for the current year. In the event of the approval of such anticipation of the taxes of the next fiscal year by the Commission, the governing body of any such municipality is authorized to provide by resolution for the issuance of a note or notes in an amount not in excess of the amount authorized by such Commission, and such note or notes shall be payable not later than the 30th day of June of the next fiscal year and shall be paid by a special tax levied for such purpose. Any such note or notes shall be issued in accordance with the provisions of Section 160-376.

Section 160-410.7. Publication of Statement of Financial Condition.—As soon as practicable after the close of each fiscal year, the municipal accountant shall prepare and cause to be published in a newspaper published in the municipality, or if no newspaper be published in the municipality then by posting at the door of the city hall or town hall and at least three other public places in the municipality, a statement of the financial condition of the municipality, containing such figures and information as the municipal accountant with the approval of the governing body may consider it advisable to publish, which statement as so published or posted shall include a statement of the assets and liabilities of several funds of the municipality as of the close of the preceding fiscal year together with a summary statement of the revenue receipts and expenditures of such funds in the preceding year, a statement of the bonded debt of the municipality as of the close of the preceding fiscal year, and a statement of assessed valuations, tax rates, tax levies, and uncollected taxes for the preceding three fiscal years.

Section 160-410.8. Amendments to the Budget Ordinance.—The governing body in the event the members thereof deem it necessary, may by ordinance amend the budget ordinance after its passage in any or all of the following ways: (a) by transferring the unencumbered balance of any appropriation, or any portion of such balance, to any other appropriation within the same fund or to any new appropriation within the same fund, (b) by making a supplemental appropriation in any fund in all or any portion of the amount of the unappropriated surplus of such fund or the amount by which total revenue receipts have exceeded total estimated revenues in such fund as of the date of the making of the supplemental appropriations; (c) by transferring all or any portion of the unencumbered balance of any appropriation in the general fund to any existing appropriation or to any new appropriation in another fund or by making a supplemental appropriation in another fund financed by unappropriated surplus or excess revenue receipts of the general fund: Provided, that no amendment to the budget ordinance shall be made if the effect of such amendment is to authorize an expenditure for a purpose which could not have been legally authorized in the original budget ordinance: Provided,

further, that where the governing body shall determine that changed circumstances in the operation of a utility will result in the receipt in cash of revenues in excess of the estimates of revenues contained in the budget ordinance, that body may amend the estimates of revenues of the utility fund concerned as such estimates are set forth in the budget ordinance and may thereupon make a supplemental appropriation in such utility fund in the amount by which the amended estimates of revenues exceed the estimates of revenues in the budget ordinance, whether or not such excess has been actually received in cash as of the date of the making of such supplemental appropriation. Copies of any ordinance made pursuant to this Section shall be made available to the municipal treasurer, municipal accountant, and the head of each office, department, institution, or agency affected thereby.

Section 160-410.9. Interim Appropriations.—In case the adoption of the budget ordinance is delayed until after the beginning of the budget year, the governing body may make appropriations for the purpose of paying salaries, the principal and interest of indebtedness, and the usual ordinary expenses of the municipality and its subdivisions for the interval between the beginning of the budget year and the adoption of the annual budget ordinance. The interim appropriations so made shall be chargeable to the several appropriations, respectively, thereafter made in the annual budget ordinance for the year.

Section 160-411. Provisions for Payment.—No contract or agreement requiring the payment of money, or requisitions for supplies or materials, shall be made, and no warrant or order for the payment of money shall be drawn upon the treasury of the municipality or a subdivision, unless provision for the payment thereof has been made by (a) an appropriation as provided by this Article or (b) through the means of bonds or notes duly authorized by the General Assembly and by the governing body, and further authorized, in all cases required by law or the Constitution, by a vote of qualified voters or taxpayers or otherwise; nor shall such contract, agreement, or requisition be made unless the unencumbered balance of such appropriation or provision remains sufficient for such payment. No contract or agreement or requisition requiring the payment of money shall be valid unless the same be in writing, and unless the same shall have printed, written, or typewritten thereon a statement signed by the municipal accountant as follows: "Provision for the payment of moneys to fall due under this agreement has been made by appropriation duly made or by bonds or notes duly authorized as required by the 'Municipal Fiscal Control Act.'" Such certificate shall not, however, make valid any agreement or contract made in violation of this Section. Before making such certificate, the municipal accountant shall ascertain that a sufficient unencumbered balance of the specific appropriation remains for the payment of the obligation, or that bonds or notes have been so authorized the proceeds of which are applicable to such payment, and the appropriation or provision so made shall thereafter be deemed encumbered by the amount to be paid on such contract or agreement until the municipality is discharged therefrom.

Section 160-411.1. Warrants for Payment.—No bill or claim against the municipality or any subdivision shall be paid unless the same shall have been approved by the head of the office, department, institution, or agency for which the expense was incurred nor unless the same shall have been presented to and approved by the municipal accountant, or in the case of his disapproval of such bill or claim, by the governing body. The governing body shall not approve any bill or claim which has been disallowed by the municipal accountant without entering upon the minutes of the governing body its reason for approving the same in such detail as may show the governing body's reason for reversing the municipal accountant's disallowance. No bill or claim against the municipality or any subdivision shall be paid except by means of a warrant or order on the municipal treasurer or depository, and no warrant or order, except a warrant or order for the payment of maturing bonds, notes, or interest coupons thereto appertaining, and except a warrant or order for the payment of any bill or claim approved by the governing body over the disallowance of the municipal accountant, as above provided, shall be valid unless the same shall bear the signature of the municipal accountant below a statement which he shall cause to be written, printed, or typewritten thereon containing the words: "Provision for the payment of this warrant (or order) has been made by an appropriation duly made or a bond or note duly authorized, as required by the 'Municipal Fiscal Control Act.' "

Section 160-411.2. Contracts or Expenditures in Violation of Preceding Section.—If any municipal accountant shall make any certificate on any contract, agreement, requisition, warrant, or order as required by Section 160-411 or Section 160-411.1, when there is not a sufficient unencumbered balance remaining for the payment of the obligation, he shall be personally liable for all damages caused thereby. If any officer or employee shall make any contract, agreement, or requisition without having obtained the certificate of the municipal accountant as required by Section 160-411, or if any officer or employee shall pay out or cause to be paid out any funds in violation of the provisions of Section 160-411.1, he shall be personally liable for all damages caused thereby.

Section 160-411.3. Accounts To Be Kept by Municipal Accountant.—Accounts shall be kept by the municipal accountant for each appropriation made in the budget ordinance or amendment thereto, which appropriations shall be classified under the various funds maintained as required in Section 160-409, and every warrant or order upon the municipal treasury shall state specifically against which of such funds the warrant or order is drawn; information shall be kept for each such account so as to show in detail the amount appropriated thereto, the amount drawn thereupon, the unpaid obligations charged against it, and the unencumbered balance to the credit thereof.

Section 160-411.4. Daily Deposits by Collecting or Receiving Officers.—Every public officer and employee whose duty it is to collect or receive any funds or money belonging to any municipality or subdivision thereof shall deposit the same daily, or if the governing body grants its approval he

shall be required to deposit the same only when he has as much as two hundred fifty dollars ($250.00) in his possession, with the municipal treasurer or in a bank, banks, or trust company designated by the governing body in an account approved by the municipal accountant and secured as provided in Section 159-28, and he shall report the same immediately following such deposit to the municipal accountant by means of a treasurer's receipt or duplicate deposit ticket signed by the depository: Provided, that a deposit shall in any event be made on the last business day of each month. He shall settle with the municipal accountant monthly, or oftener if the governing body so directs, reporting to the municipal accountant at such time the amount of money collected or received from each of the various sources of revenue. If such officer or employee collects or receives such public moneys for a taxing district for which he is not an officer or an employee, he shall pay over periodically, as directed by the governing body, to the proper officer of such district the amount so collected or received and take receipt therefor.

The governing body is hereby authorized and empowered to select and designate, by recorded ordinance, some bank or banks or trust company in this State as official depository or depositories of the funds of the municipality, which funds shall be secured in accordance with Section 159-28.

It shall be unlawful for any public moneys to be deposited by any officer or employee in any place, bank, or trust company other than those selected and designated as official depositories. Any person or corporation violating the provisions of this Section or aiding or abetting such violation shall be guilty of a misdemeanor and punished by fine or imprisonment or both, in the discretion of the court.

Section 160-412. Conduct by Municipal Accountant Constituting Misdemeanor.—If a municipal accountant shall knowingly approve any fraudulent, erroneous or otherwise invalid claim or bill, or make any statement required by this Article, knowing the same to be false, or shall willfully fail to perform any duties imposed upon him by this Article, he shall be guilty of a misdemeanor and punishable for each offense by a fine of not less than fifty dollars ($50.00) or imprisonment for not less than twenty (20) days, or both fine and imprisonment, in the discretion of the court, and shall be liable for all damages caused by such violation or failure.

Section 160-412.1. Liability for Damages for Violation by Officer or Person.—If any municipal officer or head of any office, department, institution, or agency, or other official or person of whom duties are required by this Article shall willfully violate any part of this Article, or shall willfully fail to perform any of such duties, he shall be guilty of a misdemeanor and punishable for each offense by a fine of not less than fifty dollars ($50.00) or imprisonment for not less than twenty (20) days, or both fine and imprisonment, in the discretion of the court, and shall be liable for all damages caused by such violation or failure.

Section 160-412.2. Recovery of Damages.—The recovery of all damages allowed by this Article may be made in the court having jurisdiction of

the suit of the municipality, any subdivision thereof, or any taxpayer or other person aggrieved.

Section 160-412.3. Mayor To Report to Solicitor.—It shall be the duty of the mayor of the municipality to report to the solicitor of the district within which the municipality lies all facts and circumstances showing the commission of any offenses defined herein, and it shall be the duty of the solicitor to prosecute. At the request of the solicitor, the governing body is authorized, within its discretion, to provide legal assistance to the solicitor in prosecuting such cases and any other case involving official misconduct for violation of a public trust within said municipality and pay the cost of same out of the general fund of the municipality.

Section 160-412.4. Purpose of Article.—It is the purpose of this Article to provide a uniform procedure for the preparation and administration of budgets to the end that every municipality in the State may balance its budget on the basis of actual cash receipts within the budget period and carry out its functions without incurring deficits. Its provisions are intended to enable governing bodies to make financial plans to meet expenditures, to insure that municipal officials administer their respective offices, departments, institutions, and agencies in accordance with these plans, and to permit taxpayers and bondholders to form intelligent opinions based on sufficient information as to the financial policies and administration of the municipalities in which they are interested.

Section 160-412.5. Application of Article.—Sections 160-275 and 160-276 and all other laws and parts of laws heretofore or hereafter enacted, whether general, local, or special, which are in conflict with this Article are hereby repealed, except a law hereafter enacted expressly repealing or amending this Article: Provided, this Article shall be construed with Section 160-399 as amended and nothing herein shall be deemed to repeal any of the provisions of that Section. Nothing herein contained, however, shall require any municipality to comply with this Article which operates under a budget system provided by charter or by any local or special act, but any such municipality may, in the discretion of its governing body, elect to conduct its procedure under any one or more Sections of this Article as that body may deem best. All such municipalities shall nevertheless be subject to the requirements of certain provisions of this Article, which are (a) the annual publication of financial information substantially as required by Section 160-410.7, (b) the adoption of a budget ordinance which shall appropriate the full amount of all deficits not funded and the full amount required for debt service, and which shall levy sufficient taxes to meet all appropriations, all as required by Section 160-410.3, (c) endorsement by some one municipal officer, who shall either be the municipal accountant or an officer designated for that purpose by the governing body, of all contracts, agreements, requisitions, warrants, and orders, substantially as provided by Sections 160-411 and 160-411.1, (d) the maintenance of the funds required by paragraph (e), Section 160-409, and (e) compliance with all the provisions of Section 160-411.4; and all the provisions of Sections 160-411.2, 160-412, 160-412.1, 160-412.2, and 160-412.3, as to penalties, liability for damage, and requirements for

reporting offenses to the district solicitor, shall apply in all such municipalities so far as such municipalities are herein required to comply with this Article.

Sec. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

S. B. 187 **CHAPTER 699**

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 52A OF THE GENERAL STATUTES OF NORTH CAROLINA, "UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT."

The General Assembly of North Carolina do enact:

Section 1. That G. S. 52A-3 be and the same is hereby amended by striking out lines 10, 11, and 12 of said Section and inserting in lieu thereof the following:

"(4) 'Court' means any court of record in this State having jurisdiction to determine liability of persons for the support of dependents in any criminal proceeding, and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law: Provided, however, that all proceedings in which this State is the 'initiating state,' as defined above, shall be commenced in the Superior Court."

Sec. 2. That G. S. 52A-5 be and the same is hereby amended by striking out said Section and inserting in lieu thereof a new Section as follows:

"52A-5. Obligor—Present in State—Bound.—Duties of support arising under the law of this State when applicable under G. S. 52A-8, bind the obligor, present in this State, regardless of the presence or residence of the obligee."

Sec. 3. That G. S. 52A-7 be and the same is hereby amended by striking out the period at the end of said Section, inserting in lieu thereof a colon, and the following sentence: "Provided, however, that an obligor may not upon his ex parte petition avail himself of the provisions of this Act."

Sec. 4. That G. S. 52A-8 be and the same is hereby amended by striking out said Section and inserting in lieu thereof a new Section as follows:

"52A-8. What duties are applicable.—Duties of support applicable under this Act are those imposed or imposable under the laws of any state where the obligor was present during the period or any part of the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown."

Sec. 5. That G. S. 52A-9 be and the same is hereby amended by striking out the last sentence of said Section and inserting in lieu thereof the following:

"Jurisdiction of all proceedings hereunder in which this State is the responding state shall be in any court of record in this State having jurisdiction to determine liability of persons for the support of dependents in any criminal proceeding; jurisdiction of all proceedings which are commenced in this State as the initiating state shall be vested in the Superior Court and shall be forwarded from that court to the appropriate court or other designated agency in the state of the defendant's residence."

Sec. 6. That G. S. 52A-10 be and the same is hereby amended as follows:

(a) By striking out the period following the word "divorce" at the end of the first sentence of said Section and inserting immediately following the word "divorce" the following words: "by the court having jurisdiction."

(b) By adding at the end of said Section the following:

"The plaintiff may include in or attach to the complaint any information which may help in locating or identifying the defendant including, but without limitation by enumeration, a photograph of the defendant, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, or Social Security number."

(c) By adding a new Section immediately following G. S. 52A-10 to be designated as "52A-10.1" and reading as follows:

"52A-10.1. Official to represent plaintiff.—It shall be the duty of the official who prosecutes criminal actions for the State in the court acquiring jurisdiction to appear on behalf of the plaintiff in proceedings under this Chapter when this State is a responding state as defined in G. S. 52A-3."

(d) By adding a new Section immediately following G. S. 52A-10.1 to be designated as "52A-10.2" and reading as follows:

"52A-10.2. Complaint by minor.—A complaint on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as next friend."

Sec. 7. That G. S. 52A-11 be and the same is hereby amended as follows:

(a) By inserting immediately following the word "complaint" in the third line of said Section the following words: "the Clerk of the Superior Court."

(b) By striking out the words "certified copies of the complaint, the certificate and an authenticated copy of this Chapter to be transmitted to the court of the responding state," as the same appear in lines seven and eight of said Section, and inserting in lieu thereof the following: "three copies of (1) the complaint, (2) its certificate, and (3) this Act, to be transmitted to the court or other designated agency in the responding state. If the name and address of such court is unknown and the responding state has an information agency, the Superior Court of this State shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request

that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of this State."

(c) By adding immediately following G. S. 52A-11 a new Section to be entitled "52A-11.1" as follows:

"52A-11.1. Court—Fees and Costs.—A court of this State acting as a responding state may in its discretion direct that any part of all fees and costs incurred in this State, including without limitation by enumeration, fees for filing, service of process, and seizure of property, shall be paid by the county, but when an order of support is entered against a defendant, he shall be taxed with the costs. The Clerk of Superior Court, when this State is the initiating state, may upon a certification by the county superintendent of public welfare of the indigency of the plaintiff, waive all fees and costs incurred in filing a petition hereunder."

Sec. 8. That G. S. 52A-12 be and the same is hereby amended as follows:

(a) By striking out said Section and inserting in lieu thereof a new Section as follows:

"52A-12. Duty of the court of this State as responding state.—When the court of this State, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the prosecutor of criminal actions for the state in said court as described in G. S. 52A-10.1, (3) set a time and a place for a hearing, and (4) take such action as is necessary in accordance with the laws of this State to obtain jurisdiction. The procedure for serving notice and summons on the defendant under this Chapter shall be the same as in actions for alimony without divorce as provided by G. S. 50-16.

(b) By adding a new Section immediately following G. S. 52A-12 to be designated as "52A-12.1" and reading as follows:

"52A-12.1. Further duty of responding court.—If a court of this State, acting as a responding state, is unable to obtain jurisdiction of the defendant or his property, the court shall communicate this fact to the court in the initiating state, and if information is obtained by the court of the defendant's whereabouts in another part of this State, the court shall forward the papers to such other court of this State as may obtain jurisdiction of the defendant."

Sec. 9. That G. S. 52A-15 be and the same is hereby amended by striking out the words "or the obligee" as the same appear immediately following the word "court" on the ninth line of said Section.

Sec. 10. That G. S. 52A-19 be and the same is hereby amended by striking out said Section and by inserting in lieu thereof a new Section as follows:

"52A-19. Rules of evidence.—In any hearing under this law, wherein the defendant has been served with notice and summons as herein provided, the verified complaint of the plaintiff shall be admissible as prima facie evidence of the facts therein stated in any court of this State having jurisdiction to conduct hearings pursuant to this Article. In those cases where the defendant fails to appear after service of notice and summons,

the court may enter a reasonable order for support. Upon proper motion of the defendant, the reasonableness of the order may be reconsidered by the court, and upon a showing by the defendant that the order is not within his financial ability to pay, is beyond his earning capacity, or for other good cause shown, such order shall be subject to modification from time to time. The order fixed by the court shall also be subject to modification from time to time upon motion of the plaintiff."

Sec. 11. Severability.—If any provisions hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 12. Interpretation of Act.—This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states having a substantially similar Act.

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

S. B. 292 **CHAPTER 700**

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF CIVIL COURTS INFERIOR TO THE SUPERIOR COURT WITH LIMITED JURISDICTION.

The General Assembly of North Carolina do enact:

Section 1. Subchapter VIII of Chapter 7 of the General Statutes is amended by adding a new Article immediately following Article 35, to be designated as Article 35A, and to read as follows:

"Article 35A

"G. S. 7-383.1. Establishment.—In addition to the plans now provided by law for the establishment of courts inferior to the Superior Court, there may be established by resolution of a majority of the members of the board of county commissioners of any county in the State a court of civil jurisdiction, which shall be a court of record, shall be called '.....County Civil Court', and shall have civil jurisdiction as provided in this Article.

"G. S. 7-383.2. Qualification of judge.—The county civil court shall be presided over by a judge, who may be an attorney at law, who shall at the time of appointment and qualification be an elector in and for said county, and he shall by reason of his term of office be prohibited from practicing the profession of attorney at law.

"G. S. 7-383.3. Appointment of judge; vacancies; substitute judge.—After the ratification of this Article and the establishment of such court by any county, it shall be the duty of the clerk of the board of commis-

sioners of such county to immediately notify the Governor of the State, who shall appoint a judge to preside over such court, and each fourth year thereafter it shall be the duty of the Governor of the State to appoint the judge of each county civil court, who shall preside over said court; the said judge shall hold office for a term of four years and until his successor is appointed and qualified. Any vacancy occurring in the office of judge shall be filled by the Governor of the State.

"When the judge of said county civil court is unable to hold court on account of sickness, absence, disqualification, or other cause, the Governor of the State shall appoint some other person, who shall take the same oath and possess the same qualifications as provided for a judge, to act as substitute judge, who shall be invested with all the powers and duties of the judge. At the time of fixing the salary for the judge, the board of county commissioners shall fix a per diem compensation for the substitute judge which shall be paid out of the salary fixed for the judge.

"G. S. 7-383.4. Oath of judge.—Before entering upon the duties of his office, the said judge shall take and subscribe an oath of office as is now provided by law for the Judges of the Superior Court, and file the same with the Clerk of the Superior Court of said county; and said clerk shall record the same.

"G. S. 7-383.5. Salary of judge.—The salary of said judge shall be fixed by the board of commissioners of the county, and shall not be less than ten thousand dollars ($10,000.00) per annum in counties with a population of over 150,000 and not less than seven thousand five hundred dollars ($7,500) in counties of less than 150,000 according to the latest Federal Census, and shall be paid in monthly installments out of the funds of the county. The judge shall be provided by the county board of commissioners with a suitable and convenient room for holding court at the county seat.

"G. S. 7-383.6. Disqualification of judge.—Where the judge is disqualified by reason of interest in any case, it shall be removed for trial to the Superior Court of the county.

"G. S. 7-383.7. Clerk of court.—The Clerk of the Superior Court shall be ex officio clerk of the county civil court established under the provisions of this Article, and he shall have as nearly as possible the same duties, powers and responsibilities with reference to the county civil court as he has in his capacity as Clerk of the Superior Court. The said clerk shall be liable upon his official bond for the discharge of his duties and caring for funds paid to him as clerk of the county civil court to the same extent as he is bound as Clerk of Superior Court. In addition to the salary or fees paid him as Clerk of Superior Court, the clerk of the county civil court shall be paid such additional reasonable compensation as the board of county commissioners may fix; and the board of county commissioners are hereby authorized and empowered to provide the salary of such additional deputy or deputies as he may need.

"G. S. 7-383.8. Oath of clerks.—The clerks of the county civil court, before entering on the duties of their office, shall take and subscribe, before some officer authorized by law to administer an oath, the oath re-

quired under general law, and in addition thereto shall take and subscribe to an oath to perform faithfully all the duties required of them under this Article and file such oaths with the register of deeds for the county.

"G. S. 7-383.9. Appointment and removal of deputies.—Each clerk of the county civil court shall have the authority to appoint deputy clerks and the authority to revoke such appointments at will. He shall make a record of each appointment and furnish a transcript of such record to the register of deeds, who shall record the same in the record of deeds and make a cross-index thereof. When the appointment of any deputy clerk is revoked, the clerk shall write on the margin of the records of such appointment the word 'revoked' and the date of revocation, and sign his name thereto.

"G. S. 7-383.10. Oath and power of deputies.—If any deputy clerk shall be appointed as provided in this Article, he shall take and subscribe to the oaths prescribed for clerks. Each deputy clerk appointed as herein provided shall have as nearly as possible the same powers and duties, with reference to the county civil court, as a Deputy Clerk of the Superior Court has with reference to the Superior Court.

"G. S. 7-383.11. Sheriff.—The sheriff of the county, or his deputies appointed, shall attend upon this court in the same manner and with the same power and authority as he does and has in attendance upon the Superior Court of the county. The board of county commissioners of the county are authorized to make said sheriff such additional allowances as they may deem necessary and proper for such services, in addition to his salary or fees now fixed by law.

"G. S. 7-383.12. Stenographer.—The board of county commissioners shall appoint an official stenographer of the court, whose duties shall be the same as those of the official stenographer of the Superior Court, and the compensation shall be fixed and paid by the board of county commissioners.

"G. S. 7-383.13. Jury trial.—In the trial of actions in said court any party is entitled to the right of trial by jury as is provided in the trial of causes in the Superior Court, unless said right of trial by jury shall be waived as hereinafter provided.

"G. S. 7-383.14. Waiver of jury trial; jurisdiction concurrent with Superior Court.—In those cases in which written pleadings are required to be filed, the parties shall be conclusively presumed to have expressly waived their right to trial by jury, except in actions for divorce, unless at the time of the filing of the complaint or petition the plaintiff, in writing, demands a jury trial; or, at the time of the filing of the answer or other pleading which raises an issue of fact, the defendant or other party filing such pleading demands, in writing, a jury trial.

"G. S. 7-383.15. Waiver of jury trial; jurisdiction concurrent with justice of peace.—In those cases in which no written pleadings are required, the parties shall be conclusively presumed to have expressly waived their right to trial by jury, unless at the time of the issuance of summons the plaintiff or petitioner, in writing, demands a jury trial; or the

defendant, at any time before the commencement of the trial, in writing, demands a jury trial.

"G. S. 7-383.16. Jury trial in cases instituted in Superior Court or before magistrate.—In those cases which were or may hereafter be instituted before a justice of the peace and removed or appealed to this court, and in those cases which were or may hereafter be instituted in Superior Court and removed to this court, a jury trial will be conclusively presumed to have been expressly waived in all cases except actions for divorce unless the party desiring a trial by jury shall make a demand therefor, in writing, at any time before the case is called for trial; in which event the number of the jury shall be as herein elsewhere provided.

"G. S. 7-383.17. Jury of twelve.—The jury of said court shall be a jury of twelve.

"G. S. 7-383.18. Drawing juries; summons of jurors, pay of jurors.—The regular jurors shall be drawn from the Superior Court jury box; the drawing and summoning of said jurors shall be in the same manner as jurors are drawn and summoned for the Superior Court; provided, however, only 24 jurors shall be drawn and summoned for any one week of court unless the judge specifies that a larger number shall be drawn. The judge of each county civil court, at least 30 days in advance, shall notify the chairman of the board of county commissioners when a jury will be needed.

"Jurors shall receive the same compensation as is provided by law for jurors serving in the Superior Court, to be paid out of the treasury of said county on presentation of a ticket duly issued by the clerk of said court.

"G. S. 7-383.19. Talesmen.—The judge shall have the right to call in talesmen to serve as jurors, according to the practice of the Superior Court, and to direct the sheriff to summon a sufficient number of talesmen to serve during any one week or a portion thereof for the proper dispatch of the business of the court.

"G. S. 7-383.20. When a court opens; terms of court.—The county civil courts shall be open for the transaction of business within their jurisdiction whenever matters before the court require attention, except for the trial of issues of fact requiring a jury and the trial of contested causes wherein the county civil court is exercising jurisdiction concurrent with that of the Superior Court, which shall be heard in term time.

"The judge of the county civil court is hereby authorized to fix the terms of said court upon consulting with the clerk of the court and the members of the bar of the county.

"G. S. 7-383.21. Jurisdiction.—The county civil court shall have jurisdiction only in civil matters and as follows:

(a) Jurisdiction concurrent with that of the justices of the peace of the county;

(b) Jurisdiction concurrent with the Superior Court in all actions founded on contract wherein the amount demanded shall not exceed the sum of three thousand dollars ($3,000.00), exclusive of interest and costs;

(c) Jurisdiction concurrent with the Superior Court in all actions not founded on contract wherein the amount demanded shall not exceed the sum of three thousand dollars ($3,000.00), exclusive of interest and costs;

(d) Jurisdiction concurrent with the Superior Court in all actions to try title to lands, to prevent trespass thereon, and to restrain waste thereof wherein the value of the land does not exceed the sum of three thousand dollars ($3,000.00);

(e) Jurisdiction concurrent with the Superior Court in all actions and proceedings for divorce and alimony, or either, and to make such orders respecting the care, custody, tuition and maintenance of the minor children of the marriage as may be proper.

"G. S. 7-383.22. Appeals from justice of the peace.—In all cases where there is an appeal from a justice of the peace of a county wherein a county civil court has been established under the provisions of this Article, such appeal shall be first heard de novo in the county civil court in the manner provided herein for hearing causes within the jurisdiction of a justice of the peace originating in the said county civil court. Said appeals shall be docketed in the county civil court within the same time limit and in the same manner as such appeals are now required to be docketed in the Superior Court.

"G. S. 7-383.23. Removal of cause before justice of peace.—When, upon motion made before entering upon the trial of any cause before any justice of the peace of said county, it shall appear proper for said cause to be removed for trial to some other justice of the peace, as is now provided by law, said cause shall be removed for trial to the said county civil court.

"G. S. 7-383.24. Pending cases, transfer.—By written consent of plaintiff and defendant filed with the Clerk of Superior Court, any case within the jurisdiction of the county civil court, now or hereafter pending in the Superior Court, may be transferred to the docket of the county civil court and there tried; if a jury trial is desired, it shall be expressed in the agreement to transfer the case; otherwise, the right to trial by jury shall be conclusively presumed to have been expressly waived.

"G. S. 7-383.25. Records; blanks, forms, books, stationery.—The clerk of the county civil court shall keep separate records for use of the said court to be furnished by the county commissioners, and they shall also provide such necessary blanks, forms, books, and stationery and office equipment as may be needed by the court; the clerk shall keep the same in the office of the clerk of such court.

"G. S. 7-383.26. Processes; pleadings; procedure, etc.—When the county civil court is exercising jurisdiction concurrent with that of the Superior Court, the rules of processes, pleadings, procedure, practice, and procuring evidence and judgment shall conform as nearly as possible to those of the Superior Court; provided that summons issuing from said court shall have endorsed or printed thereon reference to this Act or Article.

"When the county civil court is exercising jurisdiction concurrent with that of justices of the peace, actions shall be commenced in the county civil court by summons issued and signed by the clerk or deputy; and orders

to seize property in claim and delivery proceedings, warrants of attachment and subpoena may be issued by the clerk or deputy and the other rules of processes, pleadings, procedure, practice, and procuring evidence and judgments shall conform as nearly as possible to those of the courts of the justices of the peace of the county.

"G. S. 7-383.27. Appeal to Superior Court; time for perfecting appeal; record on appeal; briefs; judgments; appeal to Supreme Court.—Appeals in actions may be taken from the county civil court within ten days from date or rendition of judgment to the Superior Court of the county in term time, for errors assigned in matters of law or legal inference, in the same manner as is provided for appeals from the Superior Court to the Supreme Court, except as follows:

(a) The appellant shall cause a copy of the statement of case on appeal to be served on the respondent within 30 days from the entry of the appeal taken, and the respondent, within 15 days after such service, shall return the copy with his approval or specific amendments endorsed or attached; if the case be approved by the respondent, it shall be filed with the clerk as a part of the record; if not returned with objections within the time prescribed, it shall be deemed approved; provided, that the judge trying the case shall have the power, in the exercise of his discretion, to enlarge the time in which to serve statement of case on appeal and exceptions thereto or counter statement of case.

(b) The appellant shall file one typewritten copy of the statement of case on appeal, as settled, containing the exceptions and assignments of error, which, together with the original record, shall be transmitted by the clerk of the county civil court to the Superior Court as the complete record on appeal in said court.

(c) The record in the case on appeal to the Superior Court must be docketed in the Superior Court within ten days after the date of settling the case on appeal. If the appellant shall fail to perfect his appeal within the prescribed time, the appellee may file with the Clerk of Superior Court a certificate of the clerk of court from which the appeal comes showing the names of the parties thereto, the time of the settling of case on appeal, if any has been settled, with his motion to docket and dismiss said appeal at appellant's cost, which motion shall be allowed at the first regular term of any succeeding regular term of the Superior Court.

(d) Appellant shall file one typewritten brief with the Clerk of Superior Court, and shall immediately mail or deliver to appellee's counsel a carbon typewritten copy thereof. If appellant's brief has not been filed with the Clerk of Superior Court, and no copy has been delivered to appellee's counsel within three weeks from the date of settling the case on appeal, the appeal will be dismissed on motion of appellee at the next regular term or any succeeding regular term of the Superior Court, unless for good cause shown the court shall give appellant further time to file his brief.

(e) Appellee shall file one typewritten brief and a carbon copy thereof with the Clerk of Superior Court within five weeks from the date of settling the case on appeal; the copy of same will be furnished counsel

for appellant by the Clerk of Superior Court, on application. On failure of the appellee to file his brief by the time required, the case will be heard and determined at the next regular term or any succeeding regular term of the Superior Court without argument from appellee, unless for good cause shown the court shall give appellee further time to file his brief.

(f) It shall be the duty of any judge of the Superior Court holding court in any county where a court is established under the provisions of this Article, to allot sufficient and adequate time during each regular term of the Superior Court held in such county for the hearing of appeals from the county civil court of such county; provided, no such appeal shall be heard until five days have expired since the filing of appellee's brief or since the time appellee's brief should have been filed.

(g) Upon such appeal, the Superior Court may either affirm or modify the judgment of the county civil court or remand the cause for a new trial.

(h) From the judgment of the Superior Court an appeal may be taken to the Supreme Court as is now provided by law.

"G. S. 7-383.28. Stay of execution; enforcement of judgments, etc.—Orders to stay execution on judgments entered in the county civil court shall be the same as in appeals from the Superior Court to the Supreme Court.

"Judgments of the county civil court shall be docketed in the judgment docket of the Superior Court as is provided for judgments of the Superior Court, and the judgment when docketed shall in all respects be a judgment of the Superior Court in the same manner and to the same extent as if rendered by the Superior Court, and shall be subject to the same Statute of Limitations and the Statutes relating to the revival of judgments in the Superior Court and issuing executions thereon.

"G. S. 7-383.29. Court seal.—The county civil court shall have a seal with the impression '.....County Civil Court', which shall be used in attestation of all summons, other processes, acts, or judgments of said court whenever required, and in the same manner and in the same effect as the seal of other courts of record in the State of North Carolina.

"G. S. 7-383.30. Costs and fees.—There shall be taxed in the county civil court the same costs and fees for services of the officers thereof as provided for the court having concurrent jurisdiction; such costs and fees shall be taxed and collected by the clerk and paid over monthly to the treasurer of the county as county funds to be dealt with by the commissioners.

"G. S. 7-383.31. Abolishing court.—This court may be abolished by resolution of a majority of the board of county commissioners of any county for such county by giving written notice of such intention six months prior to the end of the term of any presiding judge thereof, to become effective at the end of such term of office; and in case of the abolition of the court, cases then pending shall be transferred to the Superior Court and there tried.

"G. S. 7-383.32. Existing laws not repealed.—This Article shall not

be construed to repeal or modify any existing laws by which a county court may be created or to affect or repeal any court now or hereafter created under existing laws, and shall only be construed to be an additional method by which a county court may be established."

Sec. 2. This Act shall apply only to counties having a total population in excess of 100,000 according to the latest Federal Census.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

S. B. 368 CHAPTER 701

AN ACT TO REGULATE THE COSTS IN ALL CRIMINAL ACTIONS IN THE COURTS FOR CRIMES COMMITTED WITHIN THE CORPORATE LIMITS IN THE TOWNS OF FOREST CITY AND SPINDALE.

The General Assembly of North Carolina do enact:

Section 1. That in order to provide additional funds for the maintenance of the police cars in the Towns of Forest City, and Spindale, there shall be taxed in the bill of costs in all criminal cases wherein there is a conviction or plea of guilty for any crime committed within the corporate limits of either the Town of Forest City or Spindale, North Carolina, either in the Mayor's Court, or in the Court of any Justice of the Peace, Recorder's Court, or Superior Court, and wherein the cost of the action is paid by the defendant, a fee of one dollar ($1.00), to be known as the police car maintenance fund in each of said towns; and the same shall be collected as all costs in criminal cases are collected; and such funds shall be turned over to the treasurer of the town where the crime was committed to be paid out by him for the cost and maintenance of said police cars: Provided, that this Act shall not apply to any defendant who was not arrested or apprehended by a policeman or law enforcement officer in the employ of either the Town of Forest City or Spindale.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

S. B. 391 **CHAPTER 702**

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY, IN ITS DISCRETION, TO RAISE THE SALARIES OF CERTAIN OFFICIALS OF SAID COUNTY WITHIN THE LIMITS SPECIFIED.

The General Assembly of North Carolina do enact:

Section 1. Effective July 1, 1955, the Board of Commissioners of Rutherford County is hereby authorized, in its discretion, to raise the salaries of the following named public officials of said county, whose salaries are fixed by Chapter 551, Session Laws of 1951, in the following amounts:

Each member of the board of county commissioners, from nine hundred dollars ($900.00) per year to one thousand dollars ($1,000.00) per year;

The Sheriff, from forty-eight hundred dollars ($4,800.00) per year to five thousand dollars ($5,000.00) per year;

The Clerk of the Superior Court, from forty-eight hundred dollars ($4,800.00) per year to five thousand dollars ($5,000.00) per year;

The Register of Deeds, from four thousand two hundred thirty dollars ($4,230.00) per year to four thousand eight hundred dollars ($4,800.00) per year;

The Judge of the County Recorder's Court, from three thousand dollars ($3,000.00) per year to three thousand three hundred dollars ($3,300.00) per year; and

The Solicitor of the County Recorder's Court, from two thousand seven hundred dollars ($2,700.00) per year to three thousand dollars ($3,000.00) per year.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

S. B. 429 **CHAPTER 703**

AN ACT TO AMEND CHAPTER 225 OF THE PUBLIC-LOCAL LAWS OF 1915, RELATING TO THE DRAWING OF JURIES IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 225 of the Public-Local Laws of 1915 is amended by striking out in line six of said Section the words "forty-two" and inserting in lieu thereof the word "sixty". Said Section is further amended by striking out in line 23 the words "twenty-four" and inserting in lieu thereof the word "forty".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 414 CHAPTER 704

AN ACT AMENDING SECTION 153-102 OF THE GENERAL STATUTES, BEING A PART OF THE COUNTY FINANCE ACT, AND SECTION 160-389, BEING A PART OF THE MUNICIPAL FINANCE ACT, EXTENDING THE TIME WITHIN WHICH BONDS AUTHORIZED PRIOR TO JULY 1ST, 1952, MAY BE ISSUED.

The General Assembly of North Carolina do enact:

Section 1. That Section 153-102, Volume 3C of the General Statutes, as amended, being a part of the County Finance Act, be and the same is hereby amended by striking out all of the second paragraph of said Section and inserting in lieu thereof the following paragraph:

"Notwithstanding the foregoing limitations of time which might otherwise prevent the issuance of bonds, bonds authorized by an order which took effect prior to July 1st, 1952, and which have not been issued by July 1st, 1955, may be issued in accordance with all other provisions of law at any time prior to July 1st, 1957, unless such order shall have been repealed, and any loans made under authority of Section 153-108 of this Article in anticipation of the receipt of the proceeds of the sale of such bonds, or any renewals thereof, may be paid on or at any time prior to but not later than June 30th, 1957, notwithstanding the limitation of time for payment of such loans as contained in said Section."

Sec. 2. That Section 160-389, Volume 3C of the General Statutes, as amended, being a part of the Municipal Finance Act, 1921, be and the same is hereby amended by striking out the second paragraph of said Section and inserting in lieu thereof the following paragraph:

"Notwithstanding the foregoing limitations of time which might otherwise prevent the issuance of bonds, bonds authorized by an ordinance which took effect prior to July 1st, 1952, and which have not been issued by July 1st, 1955, may be issued in accordance with all other provisions of law at any time prior to July 1st, 1957, unless such ordinance shall have been repealed, and any loans made under authority of Section 160-375 of Article 27 of this subchapter in anticipation of the receipt of the proceeds of the sale of such bonds, or any renewals thereof, may be paid on or at any time prior to but not later than June 30th, 1957, notwithstanding the limitation of time for payment of such loans as contained in said Section."

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 415 **CHAPTER 705**

AN ACT TO AMEND ARTICLE 6 OF CHAPTER 130 OF THE GENERAL STATUTES RELATING TO BONDS OF SANITARY DISTRICTS SO AS TO PROVIDE FOR THE ISSUANCE OF FUNDING OR REFUNDING BONDS.

The General Assembly of North Carolina do enact:

Section 1. That Article 6 of Chapter 130 of the General Statutes be and the same is hereby amended by inserting a new Section after Section 130-48 reading as follows:

"130-48.1. Funding or refunding bonds. A sanitary district may issue its negotiable funding or refunding bonds for the purpose of funding or refunding valid indebtedness of the sanitary district if such debt be payable at the time of the passage of the bond resolution authorizing bonds to fund or refund such debt, or be payable within one year thereafter, or if such debt, although payable more than one year thereafter, is to be cancelled prior to its maturity and simultaneously with the issuance of the bonds to fund or refund such debt. The word 'indebtedness' or 'debt' as used in this Section includes the principal of bonds, certificates of indebtedness and revenue anticipation notes, and includes the principal of funding bonds, refunding bonds and other evidences of indebtedness heretofore or hereafter issued pursuant to this Article.

All such funding or refunding bonds shall be authorized by a bond resolution passed by the sanitary district board, which bond resolution shall state:

1. In brief and general terms the purpose for which the bonds are to be issued, including a brief description of the indebtedness to be funded or refunded sufficiently to identify such indebtedness.

2. The maximum aggregate principal amount of the bonds.

3. That a tax sufficient to pay the principal and interest of the bonds when due shall be annually levied and collected on all taxable property within the sanitary district.

4. That the resolution shall take effect upon its passage and shall not be submitted to the voters.

Such bond resolution shall be published once a week for three successive weeks and a statement substantially in the form provided by Section 130-45 shall be published with the bond resolution. Such funding or refunding bonds shall mature at any time or times, not later than forty years from their date."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 455 **CHAPTER 706**

AN ACT AMENDING G. S. 113-247 RELATING TO FISHING ON SUNDAY IN CERTAIN WATERS OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 113-247, as the same appears in Volume 3A of the General Statutes, be and the same is hereby amended by striking out the period at the end thereof and adding the following:

"or to the canals draining Lake Phelps in Washington and Tyrrell Counties and the waters of Tar River in Pitt County, and to the waters of Tar River in Edgecombe County, as provided for by regulations of the Wildlife Resources Commission permitting the use of nets for taking non-game fish."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 540 **CHAPTER 707**

AN ACT TO PROVIDE FOR THE DISTRIBUTION OF FINES AND FORFEITURES PAID TO OR COLLECTED BY ANY MUNICIPAL RECORDER'S COURT IN A MUNICIPALITY WHOSE CORPORATE LIMITS IS COMPOSED OF PARTS OF TWO COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 7-206 by adding at the end of said Section the following:

"Where a municipal recorder's court is established or may be established in a municipality wherein the territorial jurisdiction of said municipal recorder's court is composed of portions of two or more counties, the fines and forfeitures collected by or paid into said municipal recorder's court shall be paid to the county treasurer for distribution according to law of the county in which the crime was committed which resulted in the indictment and conviction and because of which said fines or penalties were collected and paid; except that the provisions of this sentence shall not apply to the following counties: Alamance, Cabarrus, Catawba, Edgecombe, Guilford and Nash."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 595 **CHAPTER 708**

AN ACT TO AMEND SENATE BILL NO. 107, RATIFIED MARCH 3, 1955, SO AS TO TRANSFER CASWELL COUNTY FROM THE FIFTEENTH JUDICIAL DISTRICT TO THE SEVENTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Senate Bill No. 107, entitled "An Act to Increase the Number of Judicial Districts in the State of North Carolina in Order to Provide a Sufficient Number of Resident Judges to Administer Justice Without Undue Delay", ratified March 3, 1955, is hereby amended by striking out the word "Caswell" as it appears in the list of counties composing the Fifteenth Judicial District, and by inserting the word "Caswell" in its appropriate place in the list of counties composing the Seventeenth Judicial District.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 633 **CHAPTER 709**

AN ACT AMENDING G. S. 105-297 SO AS TO EXEMPT FROM TAXATION CERTAIN PERSONAL PROPERTY STORED IN PITT COUNTY FOR SHIPMENT OUT OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 105-297, as the same appears in Volume 2C of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"(15) All redried tobacco stored in Pitt County held or stored for shipment to any foreign country shall be exempt from ad valorem taxation for a period of one year."

Sec. 2. This Act shall apply to Pitt County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 697 **CHAPTER 710**

AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY TO ESTABLISH A HOSPITAL AUTHORITY FOR A COUNTY TO OPERATE ONE OR MORE HOSPITALS OR ONE OR MORE CLINICS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 131-126.21 of Volume 3B is hereby amended by adding to said Section a new subsection to be designated as subsection "(1)", which shall read as follows:

"(1) Board of county commissioners may establish hospital authority in any county with membership representation from town or city.—The board of county commissioners of any county may elect to establish a county hospital authority which shall be designated by the title or name of: "..... County Hospital Authority", which shall consist of seven members, six of whom shall be appointed by the board of county commissioners and shall be composed of men and women representing the various dominant or primary interests of the county. Two of said members shall be appointed for a term of three years, two for a term of four years and two for a term of five years, and thereafter the term of office of each successor member shall be five years. In making said appointments the board of county commissioners of any county electing to establish a hospital authority under this subsection shall appoint three members of said authority who shall be residents of a town or city of said county, and three members shall be residents of said county, but shall be members who reside outside of the corporate limits of a town or city of said county. The seventh member of said authority shall be a member of the board of county commissioners of said county who shall serve in the capacity of a member at large, and whose term of office shall be commensurate with his term of office as a member of the board of county commissioners, and said member shall serve ex officio and because of his position as a member of the board of county commissioners. All vacancies in the office or position of member of said hospital authority by death, resignation or otherwise shall be filled by appointments made by the board of county commissioners of said county and shall be for the unexpired term of the member causing said vacancy. No member of said hospital authority shall be eligible to succeed himself or herself except in cases where the appointment is made for an unexpired term. Any authority vested in a county by virtue of Article 13B of Chapter 131 of Volume 3B of the General Statutes or any authority or power that may be exercised by a hospital authority under G. S. 131-98 of Article 12 of Chapter 131, and as described and granted in said Section, may be vested by resolution of the board of county commissioners of such county in the county hospital authority herein authorized, which such power and authority shall be applicable to the whole area of the county, and in addition to the purposes described in the statutes and articles heretofore referred to such power and authority shall also be exercised and del-

egated for the planning, establishment, construction, maintenance or operation of hospital facilities, clinics, public health centers, housing or quarters for local public health departments and centers, laboratories, outpatient departments and clinics, nurses' home and training facilities, and any and all services, including central service facilities operated in connection with such hospitals, clinics, laboratories and other facilities. The said county hospital authority, however, shall exercise only such powers and duties as are prescribed in the resolution of the board of county commissioners granting and vesting such authority and powers in said county hospital authority, and the said board of county commissioners of said county shall fix in said resolution the compensation, travelling and other expenses, if any, which shall be paid to each member of said county hospital authority; provided, however, that the expenses of such planning, establishment, construction or operation of all the hospital facilities named and mentioned in this subsection shall be a responsibility of said county."

Sec. 2. This Act, authorizing the establishment of a county hospital authority, shall not be construed to repeal any other legislation or laws which authorize the appointment of a governing authority of a hospital by some other manner and by different processes of machinery than herein provided, and this Act shall be construed to be enabling legislation, auxiliary to and supplementary to, as well as in addition to, any and all other legislation providing for the management or the appointment of managers or trustees or other forms of governing authorities of hospitals and clinics.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 712 CHAPTER 711

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF PASQUOTANK COUNTY TO LEVY TAXES FOR CERTAIN SPECIAL PURPOSES RELATING TO THE COUNTY ACCOUNTANT, THE FARM DEMONSTRATION AGENT, THE HOME DEMONSTRATION AGENT, AND THE VETERANS' SERVICE OFFICER.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Pasquotank County is hereby authorized, in its discretion, to levy annually on all taxable property in Pasquotank County any one or more of the following special taxes for the special purposes indicated, and the General Assembly does hereby give special approval for the levy of such taxes, and the authority granted in this Section is in addition to and not in substitution for ex-

isting powers of boards of commissioners, whether such existing powers be granted by general or special Act:

(a) For the special purpose of paying the salary and office expenses of the county accountant made necessary for the performance of his duties as prescribed in the County Fiscal Control Act, being Article 10 of Chapter 153 of the General Statutes of North Carolina;

(b) For the special purpose of paying the salaries and expenses of the farm demonstration agent and the home demonstration agent and other expenses incurred in farm and home demonstration;

(c) For the special purpose of paying the salary and expenses of the veterans' service officer and other expenses incurred in maintaining a Veterans' Service Office.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 716 **CHAPTER 712**

AN ACT PERMITTING DAVIDSON COUNTY TO AUTHORIZE BONDS FOR SCHOOL PURPOSES IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $2,600,000.00 IN ADDITION TO BONDS FOR SUCH PURPOSES WHICH THE COUNTY HAS HERETOFORE BEEN AUTHORIZED TO ISSUE.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any limitation contained in Section 153-87 of the General Statutes, the Board of Commissioners for the County of Davidson, North Carolina, is hereby authorized and empowered to pass a bond order or orders, pursuant to the provisions of the County Finance Act (Article 9 of Chapter 153 of the General Statutes of North Carolina), authorizing the issuance of bonds of said county for school purposes in a maximum aggregate principal amount of two million six hundred thousand dollars ($2,600,000.00) in addition to bonds for school purposes which the County is authorized and empowered to issue under the authority of Chapter 413 of the Session Laws of 1949.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 778 **CHAPTER 713**

AN ACT AUTHORIZING THE COUNTY OF CARTERET TO ISSUE BONDS FOR CONSTRUCTING A HEALTH CENTER AT THE COUNTY SEAT, IN THE TOWN OF BEAUFORT, NOTWITHSTANDING ANY LIMITATIONS WITH REGARD THERETO IN THE COUNTY FINANCE ACT.

The General Assembly of North Carolina do enact:

Section 1. The County of Carteret, North Carolina, is hereby authorized to issue bonds of the County of Carteret, pursuant to Article 9, Chapter 153 of the General Statutes of North Carolina (The County Finance Act) in an aggregate principal amount not to exceed twelve thousand dollars ($12,000.00) for the purpose of constructing and equipping a health center on land owned by the county, at the county seat, in the Town of Beaufort, and an order or orders authorizing the issuance of such bonds may be passed, and such bonds may be issued notwithstanding any limitation in the County Finance Act on net indebtedness for other than school purposes and shall be in addition to any and all other bonds which the County of Carteret may heretofore or hereafter be authorized to issue notwithstanding such limitation.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 827 **CHAPTER 714**

AN ACT TO REPEAL CHAPTER 102 OF THE PUBLIC LAWS OF 1907 RELATING TO THE LEVY OF SPECIAL TAXES FOR COUNTY INDEBTEDNESS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 102 of the Public Laws of 1907 be and the same is hereby repealed.

Sec. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 842 **CHAPTER 715**

AN ACT TO AUTHORIZE THE ISSUANCE OF COMMUNITY BUILDING BONDS IN THE NAME OF THE COUNTY OF SURRY ON BEHALF OF TOWNSHIPS IN SAID COUNTY, PAYABLE FROM TAXES LEVIED IN SUCH TOWNSHIPS, AND PROVIDING FOR A SPECIAL TAX FOR THE MAINTENANCE AND OPERATION OF SUCH COMMUNITY BUILDINGS.

The General Assembly of North Carolina do enact:

Section 1. Subject to the receipt of a petition and the approval by the vote of a majority of the qualified voters of any township in Surry County, the Board of Commissioners for the County of Surry, North Carolina, is hereby authorized to issue bonds in the name of the County of Surry, on behalf of any township located in said county, payable solely from ad valorem taxes to be levied in such township for the purpose of paying the cost of erecting and equipping a community building in and for such township and acquiring necessary land therefor, to be used for public meetings, a voting place, a place for listing taxes and for any other public purposes or uses which the board of commissioners for said county may determine.

Sec. 2. Upon receipt of a petition, signed by not less than twenty-five per cent (25%) of the qualified voters of any such township who voted in said township for Governor at the last preceding election for such officer, and requesting the board of commissioners for said county to call an election upon the question of issuing Community Building Bonds in the name of the county, on behalf of such township, and levying a sufficient tax upon all taxable property in the township for the payment of the principal of and the interest on such bonds, said board of commissioners shall order a special election to be held in such township upon the question of issuing Community Building Bonds and levying a sufficient tax upon all taxable property in such township for the payment of the principal of and the interest on such bonds, setting forth the maximum amount thereof, and shall also submit to the voters at the same election the question of levying a special tax, setting forth the maximum rate not exceeding twenty-five cents (25c) on the one hundred dollars ($100.00) assessed valuation of property in such township, for paying the cost of maintaining and operating such community building in case the issuance of such bonds shall be approved by the voters at said election.

In all such elections the Board of Commissioners for the County of Surry shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the result of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in a newspaper of general circulation in such township. The notice shall state the date of the election, the place or places at which the election will be held, and the questions to be voted upon at said election. The first publication of the notice shall be at least thirty (30) days before the election.

The board of commissioners of the county may in its discretion order a new registration of the voters and notice of such new registration shall be deemed to be sufficiently given by publication once in a newspaper of general circulation in such township at least thirty (30) days before the close of the registration books. The notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books shall be open for the registration of voters and the place or places at which they will be open on Saturdays. The books for such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and, except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question upon the issuance of the bonds shall be in substantially the words: "For the issuance of $..... Community Building Bonds and the levying of a sufficient tax for the payment thereof", and "Against the issuance of $.....Community Building Bonds and the levying of a sufficient tax for the payment thereof", and the form of the question upon the levy of the special tax for the maintenance and operation of the community building as stated on the ballot shall be in substantially the words "For the levy of a special tax of not more than.....c on each one hundred dollars ($100.00) assessed valuation of the taxable property in the township for paying the cost of maintaining and operating such community building", and "Against the levy of a special tax of not more than.....c on each one hundred dollars ($100.00) assessed valuation of the taxable property in the township for paying the cost of maintaining and operating such community building" with squares opposite such affirmative and negative forms of each proposition in one of which squares for each proposition the voter may make a cross (X) mark. This form of ballot is not prescribed.

Sec. 3. At the close of the polls, the election officers shall count the votes and make returns thereof to the board of commissioners for said county, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the result of such election, which determination shall be spread upon the the minutes of the board. The returns shall be made in duplicate, one copy of which shall be delivered to the board of commissioners as aforesaid and the other copy filed with the Clerk of the Superior Court of Surry County. The board of commissioners shall prepare a statement showing the number of votes cast for and against each question submitted and the number of voters registered and qualified to vote in the election and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper of general circulation in such township.

Sec. 4. No right of action or defense founded upon the invalidity of such election or of any proceedings or steps taken in connection therewith shall be asserted, nor shall the validity of such election or the right or duty to levy a sufficient tax for the payment of the principal of and

the interest on such bonds, or the right to levy the special tax for the maintenance and operation of the community building for which such bonds are to be issued, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of result as provided in the preceding Section.

Sec. 5. If a majority of the votes cast on each question shall be in favor thereof then the Board of Commissioners for the County of Surry may provide by a resolution or resolutions, which may be finally passed at the same meeting at which they are introduced, for the issuance of such bonds, which bonds shall be issued in the name of the county on behalf of the township, but they shall be made payable exclusively out of taxes to be levied in such township. The bonds may bear such date or dates, may bear interest at such rate or rates, not exceeding six per cent (6%) per annum, payable semiannually or otherwise, may be in such denomination or denominations, may be in such form either coupon or registered, may carry such registration provisions and may be payable in such medium of payment, at such place or places as the resolution or resolutions authorizing the issuance of such bonds may provide. The bonds may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time, and shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments of series, beginning not more than three (3) years after the date of the bonds of such issue and ending not more than thirty (30) years after such date. No such installment shall be more than 2½ times as great in amount as the smallest prior installment of the same bond issue. The bonds shall be signed by the Chairman of the Board of Commissioners for the County of Surry and the seal of the county shall be affixed to or impressed upon each bond and attested by the register of deeds of the county or by the clerk of said board, and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 6. The board of commissioners is hereby authorized and directed to levy annually a tax, ad valorem, on all taxable property in the township in which the election was held, sufficient to pay the principal of and the interest on the bonds as such principal and interest become due, and said board is hereby authorized and directed to levy annually the special tax for the maintenance and operation of the community building in an amount not exceeding the amount approved by the qualified voters of the township at said election. Such special tax for the payment of the principal of and the interest on said bonds, and such special maintenance and operation tax shall be in addition to all other taxes authorized to be levied in such township. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the purposes for which said taxes were voted.

Sec. 7. Each such community building shall be erected, operated and maintained by said board of commissioners.

Sec. 8. No bonds shall be issued under the provisions of this Act in an amount exceeding five per cent (5%) of the assessed valuation of the taxable property in such township, according to the last preceding assessment for county taxes.

Sec. 9. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and endorsement of such approval upon bonds and as to the sale of bonds and the disposition of the proceeds, shall be applicable to the bonds authorized by this Act. The proceeds of the bonds shall be paid out only upon order of the county accountant in such manner as the board of commissioners shall direct.

Sec. 10. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 847 CHAPTER 716

AN ACT TO AUTHORIZE THE REASSESSMENT AND REVALUATION OF REAL PROPERTY IN WAKE COUNTY FOR AD VALOREM TAX PURPOSES AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WAKE COUNTY TO EMPLOY EXPERTS AND TO ENTER INTO THE NECESSARY CONTRACTS FOR SAID SERVICE AND TO AUTHORIZE THE LEVYING OF A SPECIAL TAX THEREFOR.

WHEREAS, Wake County has not had an actual and thorough reassessment, revaluation and reappraisal of the real property in said county for ad valorem tax purposes for a long number of years, which has resulted in real property tax valuations in said county becoming seriously unequalized and many inequities exist, which result in a great many persons, firms and corporations not being required to pay their fair share of taxes because of said property valuations; and

WHEREAS, there have resulted many unjust situations whereby many new improvements constructed in recent years on real estate may be escaping taxation or may be assessed or assigned to valuation, if on the tax books, at a disproportionate valuation in comparison with other properties; and likewise there may exist various situations wherein vacant

properties are on the tax books at the present valuation as vacant property, and many valuable residences and buildings of other nature have been constructed on said property, and various types of situations exist with reference to the real estate in said county which result in inequitable and unjust situations as between various classes, kinds and types of taxpayers, as related to their properties; and

WHEREAS, because of the magnitude of the task involved in effectuating a complete, thorough, just and proper revaluation and reassessment of property in Wake County the expenses thereof will have to be made from the proceeds of a special tax levy, such expenses not being ordinarily an annual recurring expense which is ordinarily provided for in the annual budget of the county, and it is necessary to employ trained experts, skilled in appraising and fixing valuations of property who have no personal interest in the property in the county and will, therefore, not be subjected to various pressures and influences; and

WHEREAS, this process of reassessment and revaluation will take considerable time and it will be necessary to enter into contracts with experts, to set up and operate revaluation machinery, and it is desired that said contracts shall exist for a sufficient length of time and that authority be vested in the board of commissioners to enter into said contract, and that funds be accumulated and that the county auditor be authorized to approve the vouchers necessary for the payment of said expenses; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Wake County is hereby authorized, in its discretion, to order and carry through a complete reassessment and revaluation of all of the taxable real property, including any and all buildings, improvements and fixtures thereon located in the County of Wake, for ad valorem tax purposes. The assessment and revaluation, except as herein provided, may be effectuated in the same manner as regular quadrennial reassessments and revaluations are carried out under the provisions of subchapter II of Chapter 105 of the General Statutes, as amended, and all the provisions of said subchapter II of Chapter 105 of the General Statutes, except as herein provided, shall apply to such revaluation and reassessment.

Sec. 2. The said revaluation and reassessment herein authorized shall be initiated, carried out and completed to the end that said new revaluations and said new reassessments shall be available and in force and effect at the time taxes are levied in the year of 1959, but if said revaluation and reassessment is completed and available before the time of levying taxes in 1959, then taxes may be levied on the basis of such revaluation and such reassessment in any appropriate tax year in which said revaluations and reassessments have been completed and are available for use as a basis for taxation.

Sec. 3. In order to defray the extraordinary expenses of carrying through the reassessment and revaluation authorized in this Act, the Board of Commissioners of Wake County is hereby authorized to levy, beginning

in the fiscal year 1955-56 and extending through the fiscal year 1958-59, a special tax not in excess of five cents (5c) on each one hundred dollars ($100.00) valuation of property in said County of Wake. The proceeds derived from said taxes shall be placed in a special fund and accumulated for the purpose of defraying the cost and expenses of said revaluation and reassessment and said Board of County Commissioners of Wake County is authorized and empowered at any time to appropriate said funds and spend the same in their discretion for the purpose of effectuating said revaluation and reassessment authorized by this Act. The said board of county commissioners is authorized and empowered to enter into any and all necessary contracts to procure the services of engineers, firms, appraisers, experts and any and all necessary assistance which in the discretion of said board is found to be proper and necessary. The said Board of County Commissioners of Wake County is authorized to enter into contracts for said purposes and to procure said assistance and experts and if necessary said contracts shall extend beyond the term of office of any member of said board, and whether or not sufficient funds have been accumulated at the time of entering into said contracts to pay off and discharge the obligations for the services contemplated by said contracts, and the said County Auditor of Wake County is hereby authorized to countersign and approve vouchers for the application and payment of funds on said contracts whether or not all of the tax funds and proceeds herein authorized have been accumulated at any one time to pay off and discharge all of the monies due or that may become due on said contracts, and said county auditor shall not be liable, either civilly or criminally, for approving said vouchers as provided by this Act. The Board of County Commissioners of Wake County in addition to the experts and appraisers may employ any and all necessary clerical assistance and provide machinery, equipment and office fixtures for the purpose of said revaluation and reassessment.

Sec. 4. In the event there shall remain any excess of funds from the proceeds of said tax levy after revaluations and reassessments are in effect and all taxes paid, then such excess may, in the discretion of the commissioners, be applied upon and paid into the debt service fund of the county.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 851 **CHAPTER 717**

AN ACT AMENDING G. S. 153-9(43) RELATING TO THE LEVY OF A SPECIAL TAX TO PAY THE SALARIES AND EXPENSES OF THE FARM AND HOME DEMONSTRATION AGENTS SO AS TO MAKE THE SAME APPLICABLE TO HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-9(43), as the same appears in the 1953 Supplement to Volume 3C of the General Statutes, be and the same is hereby amended by inserting the word "Hertford" between the words "Haywood" and "Lenoir" in the last line thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 860 **CHAPTER 718**

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF THE RANDOLPH COUNTY ADMINISTRATIVE UNIT AS A SPECIAL BOND TAX UNIT AND THE LEVY OF TAXES WITHIN SUCH UNIT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt by the Board of Education of Randolph County of a petition, signed by not less than ten per cent (10%) of the qualified voters of the territory embraced within the Randolph County Administrative Unit (said unit being hereinafter defined in Section 6 hereof), and described in such petition, praying that bonds or notes be issued under the provisions of this Act, the said Board of Education of Randolph County may, by resolution, approve the said petition and request the Board of County Commissioners of Randolph County to order a special election for the purpose contemplated under this Act. Within forty-five (45) days after receipt by the said board of county commissioners of such resolution of request from said board of education, the said Board of County Commissioners of Randolph County shall order a special election to be held in such school district or unit for the purpose of voting upon the question of issuing bonds or notes and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings, including gymnasiums, agricultural buildings, shops, school cafeterias and other necessary buildings, and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the board of county commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially

determine the results of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records, which shall be conclusive of all the facts therein found and determined. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, the maximum amount of bonds or notes to be issued, the purpose or purposes for which the bonds or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds or notes. The first publication of the notice shall be at least thirty (30) days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty (30) days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will open on Saturday. The books of such new registration shall close on the second Saturday before election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballots, shall be in substantially the words: "For the issuance of $.....School Bonds or Notes and the levying of a sufficient tax for the payment thereof", and "Against the issuance of $.....School Bonds or Notes and the levying of a sufficient tax for the payment thereof". Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voters may make a cross (X) mark. The petition herein provided for shall be filed with the Board of County Commissioners of Randolph County and referred to the Board of Elections of Randolph County to determine the sufficiency thereof, and upon a finding by said board that the petition meets the requirements of this Section, the chairman of said board shall file a certificate to that effect with the chairman of said Board of Commissioners of Randolph County.

Sec. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Randolph County, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Randolph County as aforesaid and the other filed with the Clerk of the Superior Court of Randolph County. The Board of County Commissioners

of Randolph County shall prepare a statement showing the number of votes cast for and against the bonds or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Sec. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right of duty to levy a sufficient tax for the payment of the principal and interest of such bonds or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of results as provided in the preceding Section.

Sec. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds or notes and the levy of such tax, then the Board of Commissioners of Randolph County shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds or notes, which bonds or notes shall be issued in the name of the county, but shall be made payable exclusively out of the taxes to be levied in such district or such unit, except the Board of County Commissioners of Randolph County may pay from county funds any part of the principal and interest of said bonds or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners of Randolph County may determine, subject to the limitations and restrictions of this Act. They may be issued at one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment, of the same bond issue. The bonds or notes shall bear interest at a rate not exceeding six per cent (6%) per annum, payable semi-annually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the chairman of the Board of County Commissioners of Randolph County, and the seal of the county shall be affixed to or impressed upon each bond or note and attested by the register of deeds or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds or notes, signed as aforesaid by officers in office at the time of signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 5. The Board of County Commissioners of Randolph County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officers collecting other taxes and be applied solely to the payment of principal and interest of such bonds or notes.

Sec. 6. The Randolph County Administrative Unit is defined as being all of the territory embraced within the boundary lines of Randolph County, North Carolina, except that portion of said county embraced within the boundary lines of the Asheboro City Administrative Unit as said City Administrative Unit is constituted at the time of the petition and the holding of the election as provided for in this Act.

Sec. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds or notes, or any provisions of law for the payment of bonds or notes issued under such powers, or for the custody of moneys provided for such payment.

Sec. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds or notes and endorsements of such approval upon such bonds or notes and as to the sale of bonds or notes and the disposition of the proceeds, shall be applicable to the bonds or notes authorized by this Act. The proceeds shall be paid out only upon order of the Board of Education of Randolph County.

Sec. 9. This Act shall apply only to the Randolph County Administrative Unit as herein defined.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 861 CHAPTER 719

AN ACT TO EXTEND THE TIME FOR MAKING THE QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Randolph County is authorized in its discretion to postpone until the year 1956 or 1957 the

quadrennial revaluation and reassessment of real property as required by G. S. 105-278.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 899 CHAPTER 720

AN ACT TO CLARIFY THE LAW AS TO THE OWNERSHIP OF FEDERAL INCOME TAX REFUNDS IN CASES IN WHICH ONE OR BOTH OF THE PARTIES FILING A JOINT RETURN IS DEAD AT THE TIME OF THE DETERMINATION OF AN OVERPAYMENT OF TAX.

The General Assembly of North Carolina do enact:

Section 1. Upon the determination by the United States Treasury Department of an overpayment of income tax by a married couple filing a joint Federal income tax return, one of whom has died since the filing of such return, any refund of the tax by reason of such overpayment, if not in excess of five hundred dollars ($500.00), shall be the sole and separate property of the surviving spouse. In the event that both spouses are dead at the time such overpayment is determined, such refund, if not in excess of five hundred dollars ($500.00), shall be the sole and separate property of the estate of the spouse who died last and may be paid directly by the Treasury Department to the executor or administrator of such estate, or, in the absence of such executor or administrator, to the Clerk of Superior Court of the county of the domicile of the last surviving spouse, to be disbursed by him as provided by G. S. 28-68 and G. S. 28-68.1, 2 and 3.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 903 CHAPTER 721

AN ACT REQUIRING AN INDEPENDENT AUDIT OF ALL PUBLIC FUNDS OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All public funds and all records of the county officials of Madison County shall be audited by a certified public accountant and reports made thereof for each fiscal year, said audits and reports to be completed and open for public inspection and the substance thereof pub-

lished in a newspaper of general circulation throughout Madison County on or before January 1st of each calendar year. The certified public accountant making such audit shall be employed by the board of county commissioners, subject to the approval of the resident judge of the district embracing Madison County. The first audit under this Act shall cover the period from July 1, 1953 through June 30, 1955. The auditor is authorized to examine records as far back of said date as is necessary in order to discover all facts necessary for such audit.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 909 CHAPTER 722

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS TO REGULATE PARKING ON PROPERTY BELONGING TO ALLEGHANY COUNTY AND THE BOARD OF EDUCATION TO REGULATE PARKING ON PROPERTY BELONGING TO THE BOARD OF EDUCATION OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Alleghany County shall have authority to regulate parking on property belonging to Alleghany County or on any street running through county property in Alleghany County; and the Board of Education of Alleghany County shall have authority to regulate parking on any property belonging to said board of education in said county.

Sec. 2. Any person convicted of violating any ordinance or regulation passed by the Board of Commissioners of Alleghany County affecting the parking on property belonging to said county or on a street running through county property, or a regulation of the Board of Education of Alleghany County affecting property belonging to said board of education shall be fined not more than ten dollars ($10.00), or imprisonment for not more than ten days, in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

H. B. 932 **CHAPTER 723**

AN ACT TO INCLUDE THE TOWN OF RAEFORD WITHIN THE PROVISIONS OF ARTICLE 15 OF CHAPTER 160 OF THE GENERAL STATUTES.

WHEREAS, the Town of Raeford does not have a population of five thousand (5,000) according to the last Federal census; and

WHEREAS, it is provided by Section 160-183(a) that " 'Municipality' shall mean any city or town having a population of five thousand (5,000) or more, according to the last Federal census."; and

WHEREAS, it is found desirable to include the Town of Raeford in Hoke County within the provisions of Article 15 of Chapter 160 of the General Statutes; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The provisions of Article 15 of Chapter 160 of the General Statutes shall apply to the Town of Raeford in Hoke County with the same force and effect as if the said town had a population of five thousand (5,000) or more, according to the last Federal census, and the definition of a municipality in Section 160-183(a) of said Article shall not have the effect of excluding the Town of Raeford in Hoke County from the provisions of said Article.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1955.

S. B. 156 **CHAPTER 724**

AN ACT TO REWRITE THE COUNTY FISCAL CONTROL ACT.

The General Assembly of North Carolina do enact:

Section 1. Sections 153-114 through 153-141 of the General Statutes are hereby rewritten in their entirety to read as follows:

153-114. Title; Definitions.—This Article shall be known and may be cited as "The County Fiscal Control Act."

In this Article, unless the context otherwise requires, certain words and expressions have the following meaning:

(a) "Subdivision" means a township, school district, school taxing district or other political corporation or subdivision within a county, including drainage and other districts, the taxes for which (taxes as here and elsewhere used in this Article include special assessments) are under the law levied by the board of county commissioners of the county.

(b) "Debt service" means the payment of principal and interest on bonds and notes as such principal or interest falls due, and the payments of moneys required to be paid into sinking funds.

(c) The "fiscal year" is the annual period for the compilation of

fiscal operations, and begins on the first day of July and ends on the thirtieth day of June.

(d) The "budget year" is the fiscal year for which a budget is being prepared.

(e) The "surplus" of a fund at the close of a fiscal year is the amount by which the cash balance exceeds the current total of liabilities, the encumbrances, and the taxes or other revenue collected in advance. Encumbrances are obligations in the form of purchase orders, contracts, or salary commitments which are chargeable to an appropriation made in the year just closing and which are unpaid at the close of such year. Taxes or other revenue collected in advance are sums received in the year just closing but which are not due until after the beginning of the new fiscal year.

(f) "Fund" means a sum of money or other resources segregated for the purpose of carrying on specific activities or attaining certain objectives and constituting an independent fiscal and accounting entity. Each county shall maintain the following funds and such other funds as the board of county commissioners may require:

(1) General fund.

(2) County debt service fund.

(3) School current expense fund.

(4) School capital outlay fund.

(5) School debt service fund: Provided that this fund may be combined with the county debt service fund if the board of county commissioners deems it advisable to do so.

(6) A fund for each special purpose tax for the levy of which the General Assembly has given its special approval.

(7) A bond fund to account for the application of the proceeds of the sale of bonds to the specific purpose for which such bonds were duly authorized.

(8) A fund for each subdivision to account for the collection of each special tax levied for a particular function or purpose of such subdivision.

153-115. County Accountant.—It shall be the duty of the board of county commissioners in each county in the State to appoint some person of honesty and ability, who is experienced in modern methods of accounting, as county accountant, to hold such office at the will of the board; but, in lieu of appointing a county accountant in counties in which there is an auditor or accountant holding office under the provisions of a special Act of the General Assembly, the board shall impose and confer upon such auditor or accountant all the powers and duties herein imposed and conferred upon county accountants; and in any county of the State in which there is no auditor or accountant holding office under the provisions of a special Act, the board may impose and confer such powers and duties upon any county officer, except the sheriff or the tax collector or the county treasurer or any person or bank acting as county financial agent or performing the duties ordinarily performed by a county treasurer or county financial agent. The board may set the salary of the county accountant and such other assistants as the board determines are necessary to aid in the performance of his duties, except where such salary or sal-

aries are set by special Act. If the duties and powers herein imposed and conferred on county accountants are imposed and conferred on any officer of the county, the board may revise and adjust the salary or compensation of such officer in order that adequate compensation may be paid to him for the duties of his office. Wherever in this Article reference is made to the county accountant, such reference shall be deemed to include either the person appointed as county accountant or the officer upon which the powers and duties thereof are imposed and conferred.

153-116. Additional Duties of County Accountant.—In addition to the duties imposed and powers conferred upon the county accountant by this Article, he shall have the following duties and powers:

(a) He shall act as accountant for the county and subdivisions in settling with all county officers.

(b) He shall keep or cause to be kept a record of the date, source, and amount of each item of receipt, and the date, the payee or contractor, the specific purpose, and the amount of every disbursement or contract made; and he shall keep or cause to be kept a copy of every contract made requiring the payment of money.

(c) He shall require and it shall be the duty of every officer and employee receiving or disbursing money of the county or its subdivision to keep a record of the date, source, and amount of each item of receipt, and the date, the payee or contractor, the specific purpose, and the amount of every disbursement or contract made.

(d) He shall examine once a month, or at such other times as the board may direct, all books, accounts, receipts, vouchers, and other records of all officers and employees receiving or expending money of the county or of any subdivision thereof, including the county board of education and other subdivisions and including justices of the peace and other judicial officials; provided, that the board of county commissioners may relieve the county accountant of the duty of examining the records of any such officer or employee whose records are audited at least annually by a certified public accountant or by a public accountant registered under Chapter 93 of the General Statutes.

(e) He shall require and it shall be the duty of all officers and employees in the county who collect fines, penalties, and other money to be applied to public purposes, to file with him each month, or oftener if the board so directs, a report showing amounts collected by such officers, including a report of all fees collected for the performance of their duties, whether they are entitled to such fees as the whole or part of their compensation or are not entitled to same: Provided, that in the case of elected officials, audits which include fees collected for the performance of their duties and to which they are entitled as a part of their compensation, shall not be required more than once a year and at the end of such official's tenure in office.

(f) He shall, as often as he may be directed by the board of county commissioners, file with the board a complete statement of the financial condition of the county and its subdivisions, showing the receipts and expenditures of the different officers, departments, institutions, and agencies.

(g) He shall advise with the heads of offices, departments, institutions, and agencies of the county and its subdivisions and with State officers as to the best and most convenient method of keeping accounts, and shall inform himself as to the best and simplest methods of keeping accounts, so as to bring about as far as possible a simple, accurate, and uniform system of keeping accounts of the county and subdivisions.

(h) He shall not allow any bill or claim unless the same be so itemized as to show the nature of the services rendered.

(i) He shall perform such other duties having relation to the purposes of this Article as may be imposed upon him by the board of county commissioners.

153-117. Heads of Offices, Departments, Institutions, and Agencies to File Budget Statements before June 1.—It shall be the duty of all heads of offices, departments, institutions, and agencies of the county and its subdivisions to file with the county accountant on such date subsequent to the fifteenth day of March and prior to the first day of June of each year as the county accountant may direct (a) a complete statement of the amounts expended for each object of expenditure in his office, department, institution, or agency, in the fiscal year preceding the then current fiscal year, and (b) a complete statement of the amount expended and estimated to be expended for each object in his office, department, institution, or agency in the current fiscal year, and (c) an estimate of the requirements of his office, department, institution or agency for each object in the budget year. Such statements and estimates shall list each object of expenditure in such form and in such detail as may be prescribed by the county accountant, and shall include such other supporting information as may be prescribed by the county accountant.

153-118. Budget Estimate.—Upon receipt of such statements and estimates, the county accountant shall prepare (a) his estimate of the amounts necessary to be appropriated for the budget year for the various offices, departments, institutions, and agencies of the county and its subdivisions, listing the same under the appropriate funds maintained as required by 153-114, which estimate shall include the full amount of all debt service which the county accountant through the exercise of due diligence determines will be due and payable in the budget year, and also shall include the full amount af any deficit in any fund, and may include a contingency estimate for each fund to meet expenditures for which need develops subsequent to the passage of the budget resolution, and (b) an itemized estimate of the revenue to be available during the budget year, separating revenue from taxation from revenue from other sources and classifying the same under the appropriate funds maintained as required by 153-114, and (c) an estimate of the amount of surplus in each fund as of the beginning of the budget year which he recommends be appropriated to meet expenditures for the budget year. These estimates shall be broken down into as much detail and have appended thereto such information as the board of county commissioners may direct and otherwise to take such form as the county accountant may determine. The estimates of revenue when added to the surplus figure for each fund shall equal the estimates

of appropriations for the fund. The county accountant shall also include with such estimates a statement of the rate of tax which will have to be levied in each fund in order to raise the amount of revenue from taxation included in the estimate of revenue: Provided, that the county accountant shall indicate clearly in such statement the percentage of taxes levied which he estimates will be collected in the budget year and on which he has based the rate of tax necessary to raise the amount of revenue from taxation included in the estimate of revenue. Such estimates and statements of the county accountant shall be termed the "budget estimate", and shall be submitted to the board not later than the first Monday of July of each year: Provided, that the budget estimate may be submitted to the board on such earlier date as the county accountant, with the approval of the board, may determine. The county accountant may submit a budget message with the budget estimate which may contain an outline of the proposed financial policies of the county for the budget year, may describe in connection therewith the important features of the budget plan, may set forth the reasons for stated changes from the previous year in appropriation and revenue items, and may explain any major changes in financial policy.

153-119. Time for Filing Budget Estimate.—Immediately upon the submission of the budget estimate, and at least 20 days before the adoption of the budget resolution, the board shall: (a) File the budget estimate in the office of the clerk of the board where it shall remain for public inspection, and (b) make available a copy of the budget estimate for all newspapers published in the county, and (c) cause to be published in at least one newspaper published in the county a statement that the budget estimate has been presented to the board and that a copy of the same is on file for inspection in the office of the clerk of the board, which statement may also include such other information as the county accountant may determine: Provided, however, that if no newspaper be published in the county, such statement shall be posted at the courthouse door and at least three other public places in the county at least 20 days before the passage of the budget resolution.

153-120. Budget Resolution.—It shall be the duty of the board of county commissioners, at least 20 days subsequent to the publication of the statement required by 153-119 but not later than the twenty-eighth day of July in each year, to adopt and record on its minutes a budget resolution, the form of which shall be prescribed by the county accountant. The budget resolution shall, on the basis of the estimates and statements submitted by the county accountant, make appropriations for the several offices, departments, institutions, and agencies of the county and its subdivisions, and the budget resolution shall provide for the financing of the appropriations so made. The appropriations shall be made in such sums as the board may deem sufficient and proper, whether greater or less than the recommendations of the budget estimate, and the appropriation or appropriations for each office, department, institution, or agency shall be made in such detail as the board deems advisable: Provided, however, that (a) no appropriation recommended by the county accountant for debt

service shall be reduced, and (b) the board shall appropriate the full amount of all lawful deficits reported in the budget estimate, and (c) no contingency appropriation shall be included in any fund in excess of five per cent (5%) of the total of the other appropriations in the fund: Provided, that before any or all of such contingency appropriation be expended, the board must by resolution authorize the expenditure, and (d) no appropriations shall be made which will necessitate the levy of a tax in excess of any constitutional or statutory limits of taxation, and (e) the total of all appropriations in each fund shall not be in excess of the estimated revenues and surplus available to that fund. The revenue portion of the budget resolution shall include the following: (a) A statement of the revenue estimated to be received in the budget year in each fund maintained as required by 153-114, separating revenues from taxes to be levied for the budget year from revenues from other sources and including such amount of the surplus of each fund on hand or estimated to be on hand at the beginning of the budget year as the board deems advisable to appropriate to meet expenditures of such fund for the budget year; and (b) the levy of such rate of tax for each fund in the budget year as will be necessary to produce the sum appropriated less the estimates of revenue from sources other than taxation and less that part of the surplus of the fund which is proposed to be appropriated to meet expenditures in the budget year. In determining the rate of tax necessary to produce such sums, the board shall decide what portion of the levy is likely to be collected and available to finance appropriations and shall make the levy accordingly; and further the board shall not estimate the revenue from any source other than the property tax in an amount in excess of the amount received or estimated to be received in the year preceding the budget year unless it shall determine that the facts warrant the expectation that such excess amount will actually be realized in cash during the budget year.

153-121. Copies of Resolution Filed with County Treasurer and County Accountant.—A copy of the budget resolution shall be filed with the county treasurer or other officer or agent performing the functions ordinarily assigned to the county treasurer, and another copy thereof shall be filed with the county accountant, both copies as so filed to be kept on file for their direction in the disbursement of county funds.

153-122. Repealed.

153-123. Publication of Statement of Financial Condition of County.—As soon as practicable after the close of each fiscal year, the county accountant shall prepare and cause to be published in a newspaper published in the county, or if no newspaper be published in the county, then by posting at the courthouse door and at least three other public places in the county, a statement of the financial condition of the county, containing such figures and information as the county accountant may consider it advisable to publish, which statement as so published or posted may include a statement of the assets and liabilities of the several funds of the county as of the close of the preceding fiscal year together with a summary statement of the revenue receipts and expenditures of such funds

in the preceding year, a statement of the bonded debt of the county as of the close of the preceding fiscal year, and a statement of assessed valuations, tax rates, tax levies, and uncollected taxes for the preceding three fiscal years.

153-124. Repealed.

153-125. Failure to Raise Revenue a Misdemeanor; Emergencies.—Any county commissioner of any county who shall fail to vote to raise sufficient revenue for the operating expenses of the county as provided for in 153-120, shall be guilty of a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court; provided, that in case of an emergency upon application to the Local Government Commission such Local Government Commission may permit the board of commissioners for any county to anticipate the taxes of the next fiscal year by not more than five per cent (5%) of the tax levy for the current year.

153-126. Execution of Notes in Anticipation of Taxes.—In the event of the approval of such anticipation of the taxes of the next fiscal year by the Local Government Commission, the county commissioners of any such county are authorized to provide by resolution for the issuance of a note or notes in an amount not in excess of the amount authorized by such Local Government Commission, and such note or notes shall be payable not later than June 30 of the next fiscal year and shall be paid by a special tax levied for such purpose. Any such note or notes shall be issued in a manner consistent with the provisions of the County Finance Act.

153-127. Amendments to the Budget Resolution.—The board of county commissioners, in the event the members thereof deem it necessary, may by resolution amend the budget resolution after its passage in any or all of the following ways: (a) By transferring the unencumbered balance of any appropriation, or any portion of such balance, to any other appropriation within the same fund or to any new appropriation within the same fund; (b) by making a supplemental appropriation in any fund in all or any portion of the amount of the unappropriated surplus of such fund or the amount by which total revenue receipts have exceeded total estimated revenues in such fund as of the date of the making of the supplemental appropriation; (c) by transferring all or any portion of the unencumbered balance of any appropriation in the general fund to any existing appropriation or to any new appropriation in another fund or by making a supplemental appropriation in another fund financed by unappropriated surplus or excess revenue receipts of the general fund: Provided, that no amendment to the budget resolution shall be made if the effect of such amendment is to authorize an expenditure for a purpose which could not have been legally authorized in the original budget resolution. Copies of any resolution made pursuant to this Section shall be made available to the county treasurer, county accountant, and the head of each office, department, institution, or agency affected thereby.

153-128. Interim Appropriations.—In case the adoption of the budget resolution is delayed until after the beginning of the budget year, the board of county commissioners may make appropriations for the purpose of paying salaries, the principal and interest of indebtedness, the stated

compensation of officers and employees, and the usual ordinary expenses of the county and its subdivisions for the interval between the beginning of the budget year and the adoption of the annual budget resolution. The interim appropriations so made shall be chargeable to the several appropriations, respectively, thereafter made in the annual budget resolution for the year.

153-129. Repealed.

153-130. Provisions for Payment.—No contract or agreement requiring the payment of money, or requisition for supplies or materials, shall be made, and no warrant or order for the payment of money shall be drawn upon the treasury of the county, or a subdivision, unless provision for the payment thereof has been made by (a) an appropriation as provided by this Article, or (b) through the means of bonds or notes duly authorized by the General Assembly and by the board of county commissioners, and further authorized, in all cases required by law or by the Constitution, by a vote of qualified voters or taxpayers, or otherwise; nor shall such contract, agreement, or requisition be made unless the unencumbered balance of such appropriation or provision remains sufficient for such payment. No contract or agreement or requisition requiring the payment of money shall be valid unless the same be in writing, and unless the same shall have printed, written, or typewritten thereon a statement signed by the county accountant, as follows: "Provision for the payment of moneys to fall due under this agreement has been made by appropriation duly made or by bonds or notes duly authorized, as required by the 'County Fiscal Control Act'." Such certificate shall not, however, make valid any agreement or contract made in violation of this Section. Before making such certificate, the county accountant shall ascertain that a sufficient unencumbered balance of the specific appropriation remains for the payment of the obligation, or that bonds or notes have been so authorized the proceeds of which are applicable to such payment, and the appropriation or provision so made shall thereafter be deemed encumbered by the amount to be paid on such contract or agreement until the county is discharged therefrom.

153-131. Warrants for Payment.—No bill or claim against the county or any subdivision shall be paid unless the same shall have been approved by the head of the office, department, institution, or agency for which the expense was incurred nor unless the same shall have been presented to and approved by the county accountant, or in case of his disapproval of such bill or claim, by the board of county commissioners. The board shall not approve any bill or claim which has been disallowed by the county accountant without entering upon the minutes of the board its reason for approving the same in such detail as may show the board's reason for reversing the county accountant's disallowance. No bill or claim against the county or any subdivision shall be paid except by means of a warrant or order on the county treasurer or county depository, and no warrant or order, except a warrant or order for payment of maturing bonds, notes, or interest coupons thereto appertaining, and except a warrant or order for the payment of any bill or claim approved by the board of county com-

missioners over the disallowance of the county accountant, as above provided, shall be valid unless the same shall bear the signature of the county accountant below a statement which he shall cause to be written, printed, or typewritten thereon containing the words: "Provision for the payment of this warrant (or order) has been made by an appropriation duly made or a bond or note duly authorized, as required by the 'County Fiscal Control Act'."

153-132. Contracts or Expenditures in Violation of Preceding Sections.—If any county accountant shall make any certificate on any contract, agreement, requisition, warrant, or order as required by G. S. 153-130 or G. S. 153-131, when there is not a sufficient unencumbered balance remaining for the payment of the obligation, he shall be personally liable for all damages caused thereby. If any officer or employee shall make any contract, agreement, or requisition without having obtained the certificate of the county accountant as required by G. S. 153-130, or if any officer or employee shall pay out or cause to be paid out any funds in violation of the provisions of G. S. 153-131, he shall be personally liable for all damages caused thereby.

153-133. Accounts to be Kept by County Accountant.—Accounts shall be kept by the county accountant for each appropriation made in the budget resolution or amendment thereto, which appropriations shall be classified under the various funds maintained as required in G. S. 153-114, and every warrant or order upon the county treasury shall state specifically against which of such funds the warrant or order is drawn; information shall be kept for each such account so as to show in detail the amount appropriated thereto, the amount drawn thereupon, the unpaid obligations charged against it, and the unencumbered balance to the credit thereof.

153-134. Bond of County Accountant.—The county accountant shall furnish bond in some surety company authorized to do business in North Carolina, the amount to be fixed by the board of commissioners in a sum not less than five thousand dollars ($5,000.00), which bond shall be approved by the board of county commissioners and shall be conditioned for the faithful performance of his duties under this Article: Provided, that where the powers and duties of the county accountant have been imposed and conferred as provided in G. S. 153-115 or an auditor or accountant holding office under the provisions of a special Act, and such auditor or accountant is required to give bond under the terms of a special Act, the bond required of such auditor or accountant under the special Act shall be sufficient compliance with this Section, and no additional bond shall be required of such officer to cover his duties as county accountant.

153-135. Daily Deposits by Collecting or Receiving Officers.—Every public officer and employee whose duty it is to collect or receive any funds or money belonging to any county or subdivision thereof shall deposit the same daily, or if the board of county commissioners grants its approval he shall be required to deposit the same only when he has as much as two hundred fifty dollars ($250.00) in his possession, with the county treasurer or in a bank, banks, or trust company designated by the board of county

commissioners in an account approved by the county accountant and secured as provided in G. S. 159-28, and he shall report the same immediately following such deposit to the county accountant by means of a treasurer's receipt or duplicate deposit ticket signed by the depository: Provided, that a deposit shall in any event be made on the last business day of each month. He shall settle with the county accountant monthly, or oftener if the board of county commissioners so directs, reporting to the county accountant at such time the amount of money collected or received from each of the various sources of revenue. If such officer or employee collects or receives such public moneys for a taxing district for which he is not an officer or an employee, he shall pay over periodically, as directed by the board of county commissioners, to the proper officer of such district the amount so collected or received and take receipt therefor.

The board of county commissioners is hereby authorized and empowered to select and designate, by recorded resolution, some bank or banks or trust company in this State as official depository or depositories of the funds of the county, which funds shall be secured in accordance with G. S. 159-28.

It shall be unlawful for any public moneys to be deposited by any officer or employee in any place, bank, or trust company other than those selected and designated as official depositories. Any person or corporation violating the provisions of this Section or aiding or abetting in such violation shall be guilty of a misdemeanor and punished by fine or imprisonment or both, in the discretion of the court.

153-136. Conduct by County Accountant Constituting Misdemeanor.—If a county accountant shall knowingly approve any fraudulent, erroneous, or otherwise invalid claim or bill, or make any statement required by this Article, knowing the same to be false, or shall willfully fail to perform any duties imposed upon him by this Article, he shall be guilty of a misdemeanor and punishable for each offense by a fine of not less than fifty dollars ($50.00) or imprisonment for not less than 20 days, or both fine and imprisonment, in the discretion of the court, and shall be liable for all damages caused by such violation or failure.

153-137. Liability for Damages for Violation by Officer or Person.—If any county officer or head of any office, department, institution, or agency or other official or person of whom duties are required by this Article shall willfully violate any part of this Article, or shall willfully fail to perform any of such duties, he shall be guilty of a misdemeanor and punishable for each offense by a fine of not less than fifty dollars ($50.00) or imprisonment for not less than 20 days, or both fine and imprisonment, in the discretion of the court, and shall be liable for all damages caused by such violation or failure.

153-138. Recovery of Damages.—The recovery of all damages allowed by this Article may be made in the court having jurisdiction of the suit of the county, any subdivision thereof, or any taxpayer or other person aggrieved.

153-139. Chairman of County Commissioners to Report to Solicitor.—It shall be the duty of the chairman of the board of county commission-

ers to report to the solicitor of the district within which the county lies all facts and circumstances showing the commission of any offense as defined herein, and it shall be the duty of the solicitor to prosecute. At the request of the solicitor, the board of county commissioners is authorized, within its discretion, to provide legal assistance to the solicitor in prosecuting such cases and any other case involving official misconduct or violation of a public trust within said county and pay the cost of same out of the general fund of the county.

153-140. Purpose of Article.—It is the purpose of this Article to provide a uniform procedure for the preparation and administration of budgets to the end that every county in the State may balance its budget on the basis of actual cash receipts within the budget period and carry out its functions without incurring deficits. Its provisions are intended to enable boards of county commissioners to make financial plans to meet expenditures, to insure that county officials administer their respective offices, departments, institutions, and agencies in accordance with these plans, and to permit taxpayers and bondholders to form intelligent opinions based on sufficient information as to the financial policies and administration of the counties in which they are interested.

153-141. Construction and Application of Article.—Section 105-339 and all other laws and parts of laws heretofore or hereafter enacted, whether general, local, or special, which are in conflict with this Article are hereby repealed, except a law hereafter enacted expressly repealing or amending this Article.

Sec. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

S. B. 407 CHAPTER 725

AN ACT TO AUTHORIZE THE COUNTIES OF NASH, HALIFAX AND EDGECOMBE AND THE MUNICIPALITIES THEREIN TO JOINTLY ESTABLISH LIVE STOCK MARKETS.

The General Assembly of North Carolina do enact:

Section 1. The Counties of Nash, Halifax and Edgecombe, and any city or town located therein, separately, or any group or combination of such governmental units may jointly establish, construct, own, maintain, and operate a live stock market or markets at such place or places as the governing body or bodies thereof may determine. For the purpose aforesaid, such city, town or county, or any group or combination thereof, may lease, purchase or otherwise acquire and hold, separately or jointly as tenants in common of equal interest, land necessary as a site for such livestock market or markets and build thereon such livestock market or markets, the cost thereof to be borne by the governmental units participating therein. The cost of any such building or buildings shall not be less than two thousand five hundred dollars ($2,500.00) nor more than fifty thousand dollars ($50,000.00).

In the event any governmental unit shall separately establish a livestock market or markets under the authority of this Act, the control and management thereof shall be vested in the governing board of such unit. In the event any group of such governmental units shall jointly establish livestock market or markets under authority of this Act, the control and management thereof shall be vested in a board of managers composed of two members each from the governing boards of the participating units who shall serve ex officio in such capacity and shall be named by the governing board of the participating units. The board of managers is authorized to make all necessary rules and regulations covering such construction, maintenance and operation. It may provide for the letting and leasing of stalls or space therein to persons, firms and corporations and fix the rental thereof. It may prescribe the time, place and manner of sale or showing of livestock. The board of managers may employ a manager and such other employees as may be necessary to maintain and operate such livestock market or markets.

In the event any group of such governmental units shall jointly establish a livestock market or markets under authority of this Act, and in lieu of the appointment of ex officio members of the board of managers as provided in the second paragraph of this Section, the control and management thereof may be vested in a board of managers composed of two members each to be appointed by the governing boards of the participating units. The board of managers appointed under authority of this paragraph shall be clothed with all the power and authority conferred upon the board of managers appointed under authority of the first paragraph of this Section.

Sec. 1½. Any livestock market established under the provisions of this Act shall be subject to the provisions and regulations of Article 35, Chapter 106, Volume 3A, of the General Statutes, as amended, with respect to all matters of health, sanitation and quarantine.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

S. B. 455 CHAPTER 726

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF WELDON IN HALIFAX COUNTY TO LEASE CERTAIN PROPERTY OWNED BY THE TOWN OF WELDON AND KNOWN AS THE COMMUNITY CENTER PROPERTY NO LONGER NEEDED FOR PUBLIC USE.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Weldon, in Halifax County, is authorized to lease that certain property or any portion or portions thereof, in the Town of Weldon, Weldon Township, Halifax County,

North Carolina, lying on the South bank of Roanoke River, known as Weldon Community Center property and more particularly described by courses and distances as follows:

BEGINNING at an iron pin at the intersection of the northeast line of First Street in the Town of Weldon, North Carolina, with the southeast line of Maple Street; thence North 32 degrees 37 minutes East, 154.6 feet to a point; thence North 54 degrees 51 minutes East, 436.7 feet to a point on the southern edge of the old tail race from the Roanoke Rapids Power Plant; thence North 67 degrees 21 minutes East 143 feet along the South bank of said tail race to a point on the western bank of the Roanoke River; thence southwardly along the western bank of Roanoke River as it meanders 1,750 feet, more or less to a point marked by an iron pin; thence North 65 degrees 07 minutes West 275 feet to a pin; thence North 62 degrees 52 minutes West 173 feet to a pin; thence North 64 degrees 58 minutes West 235 feet to a pin; thence North 51 degrees 48 minutes West 157 feet to a pin; thence North 18 degrees 15 minutes West 222 feet to a pin; thence North 13 degrees 15 minutes West 216 feet to a pin; thence North 12 degrees 05 minutes West 216 feet to a pin; thence North 11 degrees 23 minutes West 107 feet to a pin; thence North 57 degrees 23 minutes West 169.5 feet to a pin in the southeast line of Maple Street; thence North 32 degrees 37 minutes East 50 feet to the point of beginning, containing in all twenty (20) acres, more or less, and being in all respects the identical real estate which was heretofore conveyed unto the Town of Weldon, by deed of Weldon Community Center, Incorporated, dated February 21, 1938, and recorded in the Office of the Register of Deeds for Halifax County in Book 473 at page 512.

The governing body of the Town of Weldon is authorized to lease said property or any portion or portions thereof, to such persons, firms or corporations, under such terms and conditions, and for such considerations as the governing body may deem best.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 204 CHAPTER 727

AN ACT TO AMEND ARTICLE 22, CHAPTER 143, GENERAL STATUTES SO AS TO FACILITATE THE CONSTRUCTION OF WAREHOUSES AND IMPROVEMENTS ON PROPERTY ABUTTING NAVIGABLE WATERS.

The General Assembly of North Carolina do enact:

Section 1. That Article 22 of Chapter 143, General Statutes 3-B be supplemented and amended by adding at the end of Article 22 and immediately following Section 143-228 a new Section to be designated as General Statutes 143-228.1, as follows:

"That the powers, authority and jurisdiction granted to the North Carolina State Ports Authority under this Article and Chapter shall not be construed so as to prevent other persons, firms and corporations, including municipalities, from owning, constructing, leasing, managing and operating warehouses, structures and other improvements on property owned, leased or under the control of such other persons, firms and corporations abutting upon and adjacent to navigable waters and streams in this State, nor to prevent such other persons, firms and corporations from constructing, owning, leasing and operating in connection therewith wharves, docks and piers, nor to prevent such other persons, firms and corporations from encumbering, leasing, selling, conveying or otherwise dealing with and disposing of such properties, facilities, lands and improvements after such construction."

Sec. 2. All laws or parts of laws in conflict with this Act, to the extent of such conflict, be and the same are hereby repealed.

Sec. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 446 CHAPTER 728

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF COMMISSIONERS OF MADISON COUNTY TO EXPEND CERTAIN COUNTY FUNDS FOR THE PURPOSE OF ENCOURAGING THE LOCATION OF INDUSTRIAL PLANTS WITHIN THE COUNTY AND TO AUTHORIZE THE APPOINTMENT OF A NON-PARTISAN ADVISORY COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Madison County be and it is hereby authorized and empowered annually to appropriate from any surplus county funds not raised by taxation and not otherwise appropriated an amount not exceeding five thousand dollars ($5,000.00) and to expend the same for the purpose of aiding, assisting and encouraging the location of manufacturing, industrial and commercial plants or businesses in Madison County and for advertising the advantages and resources of said county and for such other purpose as will, in the discretion of the board of county commissioners of said county, increase the value of the taxable property of the county and which will promote the general welfare of said county, all of which purposes are hereby declared to be public purposes of the county.

Sec. 2. The funds authorized by this Act to be appropriated shall be expended by the board of county commissioners only upon the advice and suggestion of an advisory board of five members not more than three of whom may be members of the same political party, said board to be appointed by the board of county commissioners for terms of two years.

Sec. 3. In addition to the appropriation provided for in Section 1 of this Act, the Board of Commissioners of Madison County is hereby au-

thorized to set apart and appropriate from the funds derived annually from the general taxes levied and collected in said county an amount not less than one-fortieth of one per cent nor more than one-tenth of one per cent upon the assessed valuation of all real and personal property taxable in said county, to be expended for the purposes set out in Section 1 of this Act: Provided that such appropriation may not be made unless this Act be adopted by a special election called and held as provided in Chapter 158 of the General Statutes.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5 This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 490 CHAPTER 729

AN ACT TO AMEND G. S. 20-116, SUBSECTION (e), SO AS TO REGULATE THE LENGTH OF HOUSE TRAILERS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 20-116, subsection (e) be and the same Section is hereby amended by inserting at the end of the first proviso in said subsection (e) the following words and figures, viz:

"Provided, however, that a combination of a house trailer used as a mobile home, together with its towing vehicles, shall not exceed a total length of fifty (50) feet exclusive of front and rear bumpers."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 882 CHAPTER 730

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF DAVIDSON COUNTY TO CONVEY TITLE TO CERTAIN SCHOOL PROPERTY IN THE CITY OF THOMASVILLE TO THE THOMASVILLE CITY BOARD OF EDUCATION.

WHEREAS, the title to certain lands in the City of Thomasville, Davidson County, North Carolina, on which are located the "Kern Street School" and the "Church Street School", is now vested of record in the Board of Education of Davidson County; and

WHEREAS, under the provisions of G. S. 115-26, title to said property should be vested in the Thomasville City Board of Education: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Board of Education of Davidson County is hereby authorized, empowered, and directed to execute and deliver to the Thomasville City Board of Education a good and sufficient deed conveying to said Board of Education and its successors the following described lands and premises:

(a) Those certain pieces or parcels of land, together with the buildings thereon, known as the "Kern Street School" property, fully described in the following conveyances, duly recorded in the office of the Register of Deeds for Davidson County, North Carolina:

(1) Deed Book 125, at pages 75 and 76;

(2) Deed Book 126, at page 422;

(3) Deed Book 129, at pages 149 and 150.

(b) That certain piece or parcel of land, together with the buildings thereon, known as the "Church Street School" property, fully described in a deed of conveyance, duly recorded in the office of the Register of Deeds for Davidson County, North Carolina, in Deed Book 127, at page 37.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 953 **CHAPTER 731**

AN ACT RELATING TO THE COMPENSATION OF MEMBERS OF THE BOARD OF TRUSTEES OF THE NEWTON-CONOVER CITY SCHOOLS IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Trustees of the Newton-Conover City Schools is authorized to fix the compensation of its members in an amount not to exceed fifteen dollars ($15.00) each for attending such official meeting of the board.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 964 **CHAPTER 732**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF WILKESBORO SO AS TO INCLUDE THE TERRITORY WITHIN THE BOUNDARIES OF THE MOUNTAIN PARK CEMETERY.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Wilkesboro in Wilkes County are hereby extended so as to include all the area within the boundaries of the Mountain Park Cemetery.

Sec. 2. It is the intent and purpose of this Act to take in and include in the corporate limits of the Town of Wilkesboro only the area within the boundaries of the Mountain Park Cemetery and not to take in and include residences or any other property in the vicinity of said cemetery.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 965 **CHAPTER 733**

AN ACT TO REQUIRE COUNTY BUILDERS PERMITS.

The General Assembly of North Carolina do enact:

Section 1. Before any person, firm, corporation, partnership or association shall commence the erection of a new building, or the remodeling, alteration or improvement of any building, the cost of which shall exceed five hundred dollars ($500.00), the owner or builder shall first obtain a County Builders Permit from the county auditor, or from such other person as may be designated by the county commissioners: Provided, a holder of a similar builders permit issued by a municipality shall not be required to obtain a County Builders Permit.

Sec. 2. The county auditor, or other person designated by the county commissioners to issue County Builders Permits shall make no charge for the issuance of County Builders Permits.

Sec. 3. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars ($50.00), or imprisoned for not more than 30 days.

Sec. 4. This Act shall apply to Scotland County only.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 966 **CHAPTER 734**

AN ACT TO AMEND CHAPTER 160 AND CHAPTER 163 RELATING TO THE REGULATION OF ELECTIONS IN MUNICIPAL CORPORATIONS APPLICABLE ONLY TO FORSYTH COUNTY AND THE CITY OF WINSTON-SALEM AND TO AMEND CHAPTER 232, ARTICLE 2, PRIVATE LAWS 1927 SESSION, BEING AN ACT TO CODIFY AND AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM, SO AS TO PROVIDE THE APPOINTMENT OF ELECTION OFFICIALS FOR THE CITY OF WINSTON-SALEM BY THE FORSYTH COUNTY BOARD OF ELECTIONS, THE CONSOLIDATION OF THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY ELECTION BOOKS, AND THE CREATING OF A CENTRAL REGISTRATION SYSTEM FOR THE VOTERS OF WINSTON-SALEM AND FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Article 2 of Chapter 232, Private Laws of 1927 Session, the same being an Act to codify and amend the Charter of the City of Winston-Salem, as amended, relating to elections, is further amended by adding at the end thereof the following:

(a). The registrars and Democratic judges within the corporate limits of the City of Winston-Salem shall be appointed by the Forsyth County Board of Elections in each precinct with the approval of the respective Winston-Salem Democratic Ward Committee and the respective Forsyth County Democratic Precinct Committee within the corporate limits of the City of Winston-Salem, or like committees of the majority party, which is defined as the party receiving the highest number of votes in the last election for Governor of North Carolina. The said election officials shall conduct all elections within the corporate limits of the City of Winston-Salem.

(b). The registration books and election records of the City of Winston-Salem shall be consolidated and combined with the registration books and election records of the Forsyth County Board of Elections so that there shall be only one (1) registration book for each precinct within the City of Winston-Salem. The Secretary of the Board of Aldermen of the City of Winston-Salem shall deliver to the Chairman of the Forsyth County Board of Elections the registration books and election records of the City of Winston-Salem within sixty (60) days from and after the ratification of this Act. The registration books as combined under this provision shall be maintained by and kept in the custody of the Forsyth County Board of Elections.

Sec. 2. (a). The Forsyth County Board of Elections shall establish a full-time and permanent registration system, such registration system shall be a permanent public record of registration and qualification to vote, and the same shall not thereafter be cancelled and a new registration ordered either by precinct, county-wide or city-wide, unless such registration has been lost or destroyed by theft, fire, or other hazard. In the event of any division of precincts or changes in boundaries, the Forsyth County

Board of Elections shall not cancel the existing registration or order a new registration but said County Board of Elections shall immediately correct the existing precinct registration to conform to such division or change. To the end that such permanent registration shall be purged of those registered voters who have died or who have become ineligible to vote since registration, the Register of Deeds of Forsyth County shall from and after July 1, 1955, furnish to the Forsyth County Board of Elections at such time as said Board of Elections may require, the names and such other information of persons whose deaths have occurred since July 1, 1955, and which are registered in the office of the Register of Deeds of Forsyth County and upon receipt thereof, the Forsyth County Board of Elections shall cause the name of any person who is deceased to be removed from the registration books or permanent records of registration.

The Forsyth County Board of Elections is further authorized to remove from the registration books or permanent records of registration the names of all persons who have failed to vote, according to the poll or other record of voting of the Forsyth County Board of Elections, for a period of six (6) years. Nothing herein shall prevent the Forsyth County Board of Elections from reconsidering the names of persons whose names have been removed from the registration books or permanent records of registration upon proof that such person is not dead or that such person has voted in said Forsyth County within the said six (6) year period. And nothing herein shall prohibit a person whose name has been removed from the registration book or permanent registration record of said county for failure to vote for six (6) subsequent years from re-registering in the manner provided by law. Prior to the removal of the name of any person from the registration books or permanent records of registration for failure to vote as hereinbefore authorized, the Forsyth County Board of Elections shall cause to be mailed to such person, at the address shown by the registration books or permanent records of registration, notice to show cause within thirty (30) days why said name should not be removed from the registration books or permanent records of registration, and such registration shall not be removed if such person shall appear and show that such qualifications exist.

(b). The Forsyth County Board of Elections shall within thirty (30) days from the ratification of this Act establish and maintain an office in the City of Winston-Salem wherein there shall be kept all records of a permanent registration system and other records relating to voting and elections of the City of Winston-Salem and Forsyth County, and shall appoint one or more persons of good repute who shall act as special registration clerks who shall serve at the will of the Chairman of the Forsyth County Board of Elections. Such special registration clerk shall take the oath required of regular registrars and shall thereafter be qualified and have the authority to receive applications and administer oath for a registration, but shall have no powers or duties relative to the holding of any primary or general election. All registrations executed and sworn to before special registration clerks shall have the same force, effect and validity as if said registrations were executed and sworn to before regular

registrars appointed by the Forsyth County Board of Elections. All registrars shall have the authority to register any qualified citizen within Forsyth County, and all special registration clerks shall have the authority to receive applications and to administer oaths for registration at any time or place within such county regardless of the precinct residence of the registrar, the special registration clerk, or of the citizen applying for registration. The registration books, process or records shall be open continuously for the registration of voters or the acceptance of registration applications at all reasonable hours and times at the home of the registrar or the special registration clerk. The Forsyth County Board of Elections is authorized and empowered to make reasonable rules and regulations to insure such full-time registration including provisions for immediate delivery of all registrations by the registrars, and the delivery of all applications and oaths by the special registration clerk to the Forsyth County Board of Elections. No person shall be registered to vote without first making a written sworn statement therefor setting forth the qualifications for registration upon such form as may be approved and adopted by the Forsyth County Board of Elections. Registrars shall attend the voting places only on such days and at such hours as may be fixed in the discretion of the Forsyth County Board of Elections; provided that no such attendance by the registrars at the polling places shall fall on a day less than fourteen (14) days prior to any election; and provided, further, that the Forsyth County Board of Elections may in its discretion require no attendance at the polling places for registered voters. No registration shall be a qualification to vote in a particular primary election or general election or other election unless the same shall have been made by the elector not less than fourteen (14) days next preceding the primary election, general election or other election to be held. Provided, further, that no elector who desires to change his party affiliation for a primary election from the registration book or records of registration to that of another party shall not less than twenty-one (21) days prior to such primary election file with the Forsyth County Board of Elections or with any registrar or any special registration clerk an affidavit in the form of the oath set forth in the General Statutes and thereupon the Forsyth County Board of Elections shall immediately change the party affiliation of such elector to conform to his or her affidavit and thereafter such elector shall be considered registered and qualified to vote in the primary election of the new party designated by said affidavit.

(c) The registration books or permanent books of registration shall be open to public inspection by any elector of the Forsyth County between such reasonable hours and on such day or days of each week as the Forsyth County Board of Elections shall find reasonable, at which time the registration of any elector shall be subject to objection and challenge. All challenges shall be made to and heard solely by the Forsyth County Board of Elections in the same manner as that provided in G. S. 163-79 for the hearing of challenges by precinct election officials. Nothing herein shall be taken to prohibit any elector from challenging or objecting to the name of any other elector offering to vote on the day of any primary, general

election or other elections, and, in the event of such challenge, the same shall be heard and determined by the registrar and judges of election in the manner provided by G. S. 163-79. No registered voter shall be required to re-register upon moving from one precinct to another precinct within the county. In lieu thereof such removing elector shall file with the Forsyth County Board of Elections or with any registrar, or with any special registration clerk an affidavit setting forth the former residence, the new residence and the date of removal to the new residence, and, further, setting forth that all other qualifications to register and vote still exist as of the time of the former registration upon such form as shall be prescribed by the Forsyth County Board of Elections, and thereupon the Forsyth County Board of Elections, if the facts of such affidavits are found to be true, shall immediately transfer the registration of such citizen to the precinct of the new residence of such person, and thereafter such person shall be considered registered and qualified to vote in the precinct of the new residence; provided, however, that such affidavit requesting transfer shall be made not less than twenty-one (21) days prior to a primary, general election or other election.

Sec. 3. The expense of conducting all municipal elections shall be paid for by the City of Winston-Salem and the expense of all other elections conducted in Forsyth County shall be paid for as now provided in the General Statutes of North Carolina. The cost of operating and maintaining the central registration office shall be divided between and paid for by the City of Winston-Salem and the County of Forsyth on the following basis: To the number of registered voters in Forsyth County, including those within the City of Winston-Salem, there shall be added the number of registered voters within the City of Winston-Salem. The ratio of the number of registered voters inside the City of Winston-Salem to that total shall be the City of Winston-Salem's share of the expenses of the central registration office and the balance of the expenses of that office shall be borne by Forsyth County. The annual cost of operating and maintaining the central registration office shall be determined by the Forsyth County Board of Elections from an examination of the registration books as of the first day of January of each year, and from said examination the Forsyth County Board of Elections shall present to the City of Winston-Salem and the County of Forsyth on or before the first of April of each year a budget showing the financial needs of said office for the next years operations.

Sec. 4. The registrars, judges, clerks, and special election clerks shall be compensated for their services in such amounts as may be fixed in the discretion of the Forsyth County Board of Elections with the aproval of the Board of Aldermen of the City of Winston-Salem and the Forsyth County Board of Commissioners, except it shall not be necessary for the Board of Aldermen to approve the salaries and compensation of the election officials outside the City of Winston-Salem.

Sec. 5. The Forsyth County Board of Elections, together with the registrars and the special registration clerks appointed by it, shall be the only authority authorized to register electors in Forsyth County, includ-

ing those within the City of Winston-Salem, and the registration or transfer of registration of electors pursuant to such authority shall be the sole official registration for municipal elections held in the City of Winston-Salem, and in the event a special registration of electors is required for any special tax assessment, bond election, or for any other purpose, in accordance with the General Statutes of North Carolina, such registration of voters shall likewise be conducted by the registrars or special registration clerks, as herein provided; provided that this Section shall not apply to the registration of electors for municipal elections, or for any special registration of electors for any special tax assessment, bond, or for any other purpose in the Town of Kernersville.

Sec. 6. All laws and clauses of laws in conflict herewith, including all conflicting provisions of Chapter 160 and Chapter 163 of the General Statutes of North Carolina, and Chapter 232, Article 2, Private Laws 1923, as amended, are hereby repealed and shall not apply to municipal elections of any kind whatsoever held in the City of Winston-Salem, and wherever said General Statutes and/or said Private Laws and this Act conflict, this Act shall control.

Sec. 7. If any part of this Act, or the application of any part thereof, to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or the application to any other person or condition, and to this end the provisions of this Act are declared to be separable.

Sec. 8. This Act shall be in full force and effect from and after June 1, 1955.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 978 CHAPTER 735

AN ACT TO EXTEND THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF BEAUFORT IN CARTERET COUNTY BEYOND THE CORPORATE LIMITS AND WITHIN CERTAIN BOUNDARIES.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other authority granted by law, the police and law enforcement officers of the Town of Beaufort in Carteret County are hereby authorized and empowered to make arrests, preserve the peace and serve criminal process beyond the corporate limits of said town in the area located within the following boundaries:

Beginning at a point intersected by the Beaufort Township West line, which is the center of the channel of Newport River, and U. S. Highway #70 in the center of the present U. S. Highway #70 Drawbridge; thence a northerly course with the aforementioned Beaufort Township line one mile; thence in an easterly direction to the intersection of N. C. Highway #101 and the Copeland Nursery Road; thence in a southeasterly direction to the intersection of U. S. Highway #70 and the Old Marshall Road; thence in a southeasterly direction to the intersection of the West

property line of Sperti Foods, Inc. and Lennoxville Road; thence with an extension of this property line in a southerly direction to the Beaufort Township line; thence with said Beaufort Township line in a southwesterly course and northerly direction following the Beaufort Township line to the point of beginning.

Sec. 2. All laws and clauses of laws in conflict with this Section are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 979 CHAPTER 736

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BEAUFORT IN CARTERET COUNTY RELATING TO THE POLICE CHIEF AND POLICE OFFICERS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. Section 34, Chapter 435 of the Private Laws of 1913 and Chapter 31 of the Session Laws of 1945 be and the same are hereby repealed.

Sec. 2. The Chief of Police of the Town of Beaufort shall be appointed by, and shall serve at the will and pleasure of, and shall be subject to the rules and regulations of the board of commissioners.

Sec. 3. The chief of police is hereby vested with the authority, subject to the approval of the mayor and police commissioner, to employ such police officers as may be necessary to discharge properly the functions of the police department and to dismiss or suspend any police officer in the public interest; provided, any police officer so dismissed or suspended shall have recourse to the town board of commissioners as provided in the following Section.

Sec. 4. Upon request for a hearing by a police officer who has been dismissed or suspended, the board of commissioners shall grant such hearing at the next regular meeting of said board or at a special meeting called for such purpose; provided, before any action may be taken at such special meeting there shall be present at such meeting at least four commissioners and the mayor. The board of commissioners shall then have authority to make final determination of the issues before it.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after the first day of July, 1955.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 983 **CHAPTER 737**

AN ACT TO PERMIT THE CITY OF HIGH POINT AND THE COUNTY OF GUILFORD TO ACT JOINTLY IN ERECTING A BUILDING FOR GOVERNMENTAL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The City of High Point and the County of Guilford are hereby authorized, but not directed, acting in conjunction with each other to erect a building in the City of High Point for use by said City and by said County in the performance of their governmental functions.

Sec. 2. In case it is determined by the governing bodies of said City and said County to erect a building for their joint use under the provisions of this Act:

(a) The governing bodies of the City of High Point and of the County of Guilford, in joint or separate sessions as they may elect, shall determine the location of the building, its dimensions, its plans and specifications; its costs and all other matters pertaining to the erection of said building.

(b) The governing bodies of the City of High Point and of the County of Guilford shall determine in joint or separate sessions as they may elect the uses each of said municipal corporations may make of the joint building, and by contract shall determine and apportion to each a fair and equitable share of the costs of the site, the construction and maintenance of said building, and each municipal corporation shall bear the share of said expense allotted to it.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 1002 **CHAPTER 738**

AN ACT PROVIDING FOR THE NOMINATION AND ELECTION OF A FIVE-MEMBER BOARD OF EDUCATION FOR NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Nash County shall consist of five (5) members, who shall hold office for a term of two (2) years and until their successors are elected and qualified.

Sec. 2. In the primary election to be held in Nash County in 1956, and biennially thereafter, candidates shall be nominated by each political party at the party primary, at the same time and in the same manner as that in which other county officers are nominated, for members of the county board of education, to take the place of the members of said board whose terms next expire.

Sec. 3. The name of the persons so nominated, as herein provided,

shall be placed on the official county ballot of Nash County to be voted at the general election to be held in said county in the year 1956, and biennially thereafter. The five (5) candidates receiving the highest number of votes shall be declared the nominees of their respective parties and there shall be no second primary election. The members of the board of education elected at the general election in the year 1956, and biennially thereafter, shall qualify by taking the oath of office on or before the first Monday in April next succeeding their election. A failure to qualify within that time shall constitute a vacancy.

Sec. 4. The members of the Board of Education of Nash County elected at the general election in the year 1956 shall hold office for a period of two years from and after the first Monday in April 1957 and until their successors are elected and qualified.

Sec. 5. All vacancies in the membership of the Board of Education of Nash County caused by death, resignation or otherwise, shall be filled for the unexpired term by the appointment of the executive committee of the political party of the member causing such vacancy.

Sec. 6. The persons named by the 1955 Session of the General Assembly as members of the Board of Education of Nash County, shall hold office only until the first Monday in April 1957, or until their successors are elected and qualify, and the terms of office fixed in this Act shall prevail over any inconsistent provisions of any Act of this General Assembly appointing members of the Board of Education of Nash County.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec .8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 1012 CHAPTER 739

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HARNETT COUNTY TO APPOINT THE COUNTY FARM AGENT AND ASSISTANTS AND THE COUNTY HOME DEMONSTRATION AGENT AND ASSISTANTS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Harnett County is hereby authorized and empowered to appoint a county agent and such assistants as it deems necessary, and a county home demonstration agent and such assistants as it deems necessary, to serve from June 1, 1955 to December 1, 1955. Thereafter, the board of commissioners shall make the appointments provided for herein for one-year terms or at the pleasure of the board.

Sec. 2. This Act shall only apply to Harnett County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 1024 CHAPTER 740

AN ACT AUTHENTICATING A CERTAIN MAP AS THE OFFICIAL MAP AND PLAN OF THE TOWN OF MOREHEAD CITY, CARTERET COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. A certain map, dated March 30, 1955, made by Phillip K. Ball, Registered Engineer, and recorded in Book of Maps Number Three (3), at page one hundred (100), in the office of the Register of Deeds of Carteret County, is hereby authenticated as the "Official Map and Plan of the Town of Morehead City."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

H. B. 1038 CHAPTER 741

AN ACT TO PROVIDE STAGGERED TERMS FOR MEMBERS OF THE BOARD OF COMMISSIONERS OF MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That in the general election to be held in Martin County in the year 1956, under the provisions of Chapter 400, Public-Local Laws of 1935, as amended by Chapter 36, Public-Local Laws of 1937, the commissioners elected from districts Nos. 1, 2 and 4 shall be elected for terms of four years each, and the commissioners elected from districts Nos. 3 and 5, shall be elected for terms of two years each. At the end of their respective terms, all the successors to all county commissioners in Martin County shall be elected for terms of four years each.

Sec. 2. This Act shall apply to Martin County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1955.

S. B. 184 **CHAPTER 742**

AN ACT TO AMEND G. S. 7-92 AS IT RELATES TO THE COMPENSATION OF THE OFFICIAL COURT REPORTER FOR THE SIXTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Paragraph 5 of G. S. 7-92 is hereby amended by striking out the comma immediately following the words "pro tem." in line 2 of said paragraph and by striking out the remainder of said paragraph which reads as follows:

"provided, however, such compensation shall not exceed twelve and one-half dollars per day for actual expenses upon a weekly basis."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

S. B. 248 **CHAPTER 743**

AN ACT TO PROVIDE THAT FUTURE ASSISTANT DIRECTORS OF THE BUDGET SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-2 is hereby amended by rewriting the second paragraph to read as follows:

"The Governor shall be ex officio Director of the Budget and shall be the responsible head of the Budget Bureau, which Bureau is a part of the Governor's office. The Governor shall appoint a budget officer who shall be known as the 'Assistant to the Director' and such officer shall serve at the pleasure of the Governor. The salary of the Assistant to the Director shall be fixed by the Governor, who makes the appointment, with the approval and consent of the Advisory Budget Commission. The purpose of this Article is to include within the powers of the Budget Bureau all agencies, institutions, departments, bureaus, boards, and commissions of the State of North Carolina under whatever name now or hereafter known, and the change of the name of such agencies hereafter shall not affect or lessen the powers and duties of the Budget Bureau in respect thereto."

Sec. 2. The provisions of this Act shall not apply to the Assistant Director of the Budget holding office by virtue of appointment made on or before July 1, 1953.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

S. B. 309 CHAPTER 744

AN ACT AMENDING G. S. 20-157 SO AS TO MAKE IT UNLAWFUL TO DRIVE A MOTOR VEHICLE OVER A FIRE HOSE OR TO BLOCK FIRE FIGHTING APPARATUS OR EQUIPMENT.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 20-157, as the same appears in Volume 1C of the General Statutes, be, and the same is, hereby amended by adding at the end of said Section the following subsection:

"(c) It shall be unlawful to drive a motor vehicle over a fire hose or any other equipment that is being used at a fire at any time, or to block a fire fighting apparatus or any other equipment from its source of supply regardless of its distance from the fire."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

S. B. 418 CHAPTER 745

AN ACT AMENDING G. S. 9-25 RELATING TO THE MANNER OF SELECTING THE GRAND JURY IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-25, as the same appears in the 1953 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding at the end thereof the following paragraph:

"At the first term of the Superior Court for the trial of criminal cases in Pitt County after July 1, 1955, there shall be chosen a grand jury as now provided by law. The first nine members of said jury chosen at said term shall serve until the first term of said court for the trial of criminal cases after July 1, 1956, and the second nine members of said jury so chosen shall serve until the first term of said court for the trial of criminal cases after January 1, 1956; and thereafter at the first term of criminal court after the first days of January and July of each year, there shall be chosen nine members of said grand jury to serve until the first term of criminal court in said county after the first days of January and July respectively of each succeeding year. In the event of a vacancy occurring in the Grand Jury of Pitt County, the judge presiding at any criminal term of said court may, in his discretion, order a new juror to

be drawn and such juror, after taking the oath prescribed by law, shall fill such vacancy."

Sec. 2. The amendment contained in Section one of this Act shall constitute the sole method of selecting Grand Jurors in Pitt County and all references to Pitt County heretofore contained in G. S. 9-25 are hereby eliminated and repealed.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

S. B. 442 CHAPTER 746

AN ACT TO AMEND CHAPTER 54 OF THE GENERAL STATUTES RELATING TO CO-OPERATIVE ASSOCIATIONS AND THE PURCHASE, MAINTENANCE AND USE OF FIRE FIGHTING EQUIPMENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 54-111 is hereby amended by inserting the words "or purchase, maintain and use fire fighting equipment" immediately after the word "business" in line five and immediately preceding the words "on the mutual plan" in line six.

Sec. 2. G. S. 54-124 is hereby amended by inserting the words "or purchase, maintain and use fire fighting equipment" immediately after the word and comma "business," in line five and immediately preceding the words "on the mutual plan" in line five.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

S. B. 443 CHAPTER 747

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF THE TOWN OF ENFIELD.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the Town of Enfield be and the same are hereby extended to include the following described area:

BEGINNING in the northwesterly boundary of the present limits of the Town of Enfield 1085 feet North 48 degrees East from the northwesterly corner of said town; thence North 4 degrees 15 minutes West 861 feet to the southerly edge of N. C. Highway 481 running from Enfield to Glenview; thence along the southerly edge of said highway North 84 de-

grees 30 minutes East 675.5 feet to a stake in the edge of said highway opposite the point that the Enfield-Ringwood Road enters said highway; thence across said highway and along the easterly edge of aforesaid Enfield-Ringwood Road North 56 degrees 30 minutes West 451 feet to a ditch and to a point in the present city limits of the Town of Enfield; running thence North 84 degrees East along the old city limits line 600 feet; thence continuing along said old city limits line South 84 degrees East 236.5 feet; thence continuing along the old city limits line South 8 degrees 30 minutes East 200 feet; thence continuing along the old city limits line South 48 degrees West 1515 feet to a stake at the point of beginning.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

S. B. 445 CHAPTER 748

AN ACT TO REPEAL G. S. 147-47 REQUIRING APPORTIONMENT OF SESSION LAWS AMONG THE JUSTICES OF THE PEACE OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-47 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

S. B. 451 CHAPTER 749

AN ACT TO AMEND CHAPTER 482 OF THE PUBLIC LOCAL LAWS OF 1939 RELATING TO THE RECORDER'S COURT OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 482 of the Public-Local Laws of 1939 is hereby amended by rewriting the same to read as follows:

"Sec. 2. That Section 3 of Chapter 422 of the Public-Local Laws of 1915, as amended by Chapter 616 of the Public-Local Laws of 1927, be further amended by adding to line 13 after the period a new sentence to read as follows: 'That the Recorder's Court of Harnett County shall convene on each and every Wednesday morning for the trial of civil cases only, and shall continue in session until the business before it shall be disposed of.'"

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

S. B. 452 CHAPTER 750

AN ACT TO AMEND CHAPTER 422 OF THE PUBLIC-LOCAL LAWS OF 1915 RELATING TO THE RECORDER'S COURT OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section two of Chapter 422 of the Public-Local Laws of 1915 is hereby amended by rewriting the same to read as follows:

"Sec. 2. That Section 17 of Chapter 602 of the Public-Local Laws of 1913 be and the same is hereby amended by rewriting the same to read as follows: 'Sec. 17. The procedure for the commencement of civil actions in the Recorder's Court shall be the same as that in the Superior Court except that the necessary functions shall be performed by the Clerk of the Recorder's Court and the Recorder instead of the Clerk of the Superior Court and the Judge of the Superior Court.'"

Sec. 2. Section Three of Chapter 422 of the Public-Local Laws of 1915 is hereby amended by rewriting the same to read as follows:

"Sec. 3. That Section 19 of Chapter 602 of the Public-Local Laws of 1913 be stricken out and the following inserted in lieu thereof: 'Sec. 19. That the Recorder's Court created and established by this Act shall be opened each and every Tuesday and Thursday mornings at ten o'clock, at the county seat, for the trial of criminal cases, and shall continue in session until the business before it shall be disposed of: Provided, the Recorder shall have power to convene his court at any time for the purpose of conducting preliminary examinations of criminal matters wherein said Recorder's Court has not final jurisdiction, and for the trial of criminal cases where the defendant is in jail and unable to give bail, provided the prisoner shall demand trial before the regular term of said court.'"

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

S. B. 453 **CHAPTER 751**

AN ACT TO AMEND CHAPTER 602 OF THE PUBLIC-LOCAL LAWS OF 1913 RELATING TO THE RECORDER'S COURT OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section Seven of Chapter 602 of the Public-Local Laws of 1913 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

S. B. 465 **CHAPTER 752**

AN ACT AMENDING G. S. 152-5 IN RESPECT TO THE FEES OF THE CORONER OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 152-5, as the same appears in Volume 3C of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Provided that in Harnett County the Coroner shall receive the following fees:

(1) For each investigation of a death or deaths $10.00
and for each additional day necessarily devoted to such investigation, an additional $10.00
(2) For each inquest $20.00
(3) For each autopsy $20.00; provided, if the services of a physician, other than the Coroner, are required, such physician shall receive $15.00 of such $20.00 fee.
(4) For empaneling a Coroner's jury ..... $ 2.50
(5) For attending court as a witness ..... $10.00 per day

"In addition to the foregoing, the Coroner of Harnett County shall be entitled to mileage at the rate of seven cents (7c) per mile while using his automobile on official business."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

S. B. 466 **CHAPTER 753**

AN ACT AMENDING G. S. 106-408 RELATING TO THE HOURS OF SALE OF LIVE STOCK AT AUCTION IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 106-408, as the same appears in Volume 3A of the General Statutes, be and the same is hereby amended by rewriting the last sentence thereof to read as follows:

"The sales of all livestock at livestock auction markets shall start promptly at 2 o'clock P. M., on each sales day, and the selling of livestock shall be continuous until all livestock is sold, provided that no public auction sale shall be conducted after 6 o'clock P. M."

Sec. 2. This Act shall apply to Harnett County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

S. B. 467 **CHAPTER 754**

AN ACT AUTHORIZING THE COMMISSIONERS OF HARNETT COUNTY TO EXPEND NOT MORE THAN $2500.00 OF NONTAX FUNDS AND TO AUTHORIZE THE TOWNS OF ANGIER, COATS, DUNN AND LILLINGTON TO EXPEND NOT MORE THAN $1000.00 EACH FOR THE CENTENNIAL CELEBRATION OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Harnett County be and it is hereby authorized and empowered in its discretion to appropriate and expend not more than twenty-five hundred dollars ($2500.00) of nontax funds for the centennial celebration of Harnett County.

Sec. 2. That the governing bodies of the Towns of Angier, Coats, Dunn and Lillington, be and they are each authorized and empowered in their discretion to expend not more than one thousand dollars ($1000.00) of nontax funds for the centennial celebration of Harnett County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 352 CHAPTER 755

AN ACT TO AMEND G. S. 163-119, RELATING TO THE TIME CANDIDATES FOR STATE AND COUNTY OFFICES SHALL FILE NOTICES OF CANDIDACY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-119 is amended by striking out in lines 16 and 17 of said Section the words "six o'clock p. m." and inserting in lieu thereof the words "twelve o'clock noon".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 378 CHAPTER 756

AN ACT TO AMEND SECTION 7-103 OF THE GENERAL STATUTES OF NORTH CAROLINA AS IT RELATES TO INVESTIGATIONS IN DIVORCE SUITS WHERE THERE ARE MINORS INVOLVED.

The General Assembly of North Carolina do enact:

Section 1. That subsection (i) of Section 7-103 of the General Statutes of North Carolina be amended to that portion of said subsection preceding the comma in the second line thereof shall be stricken out and in lieu thereof there shall be substituted the following words:

"In an action for divorce where the pleadings show that there are minor children; if the pleadings also show that the custody of said children is controverted; or if any Judge of the Superior Court having jurisdiction to try said action so direct".

Sec. 2. All laws and clauses of laws in conflict herewith are repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 641 CHAPTER 757

AN ACT REWRITING CHAPTER 441, SESSION LAWS OF 1945, FIXING THE COMPENSATION OF THE MAYOR AND COUNCILMEN OF THE TOWN OF EDENTON.

The General Assembly of North Carolina do enact:

Section 1. That Section 1, Chapter 441, Session Laws of 1945, be, and the same is, hereby rewritten to read as follows:

"Section 1. That the Town Councilmen of the Town of Edenton, in Chowan County, shall receive as full compensation for the performance of

their duties as councilmen the sum of ten dollars ($10.00) each for each meeting attended, payable from the general fund of the town."

Sec. 2. That Section 2, Chapter 441, Session Laws of 1945, be, and the same is, hereby rewritten to read as follows:

"Sec. 2. That the Mayor of the Town of Edenton, in Chowan County, shall receive as full compensation for the performance of his duties as Mayor the sum of one hundred dollars ($100.00) per month, payable from the general fund of the town."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 642 CHAPTER 758

AN ACT REWRITING CHAPTER 120, SESSION LAWS OF 1951, FIXING THE SALARIES OF THE JUDGE, THE SOLICITOR AND THE CLERK OF THE CHOWAN COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 120, Session Laws of 1951, be, and the same is, hereby rewritten to read as follows:

"Section 1. The Judge of the Recorder's Court of Chowan County shall receive a monthly salary of two hundred and seventy-five dollars ($275.00) to be paid by the board of county commissioners from the general fund of the county."

Sec. 2. That Section 2 of Chapter 120, Session Laws of 1951, be, and the same is, hereby rewritten to read as follows:

"Sec. 2. That the Solicitor of the Recorder's Court of Chowan County shall receive a monthly salary of two hundred and fifty dollars ($250.00) to be paid by the board of county commissioners from the general fund of the county."

Sec. 3. That Section 3 of Chapter 120, Session Laws of 1951, be, and the same is, hereby rewritten to read as follows:

"Sec. 3. That the Clerk of the Recorder's Court of Chowan County shall receive a monthly salary of two hundred and fifty dollars ($250.00) to be paid by the board of county commissioners from the general fund of the county."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 736 **CHAPTER 759**

AN ACT TO AMEND G. S. 2-36 RELATING TO FEES OF THE CLERK OF SUPERIOR COURT OF BLADEN COUNTY FOR AUDITING ANNUAL AND FINAL ACCOUNTS OF RECEIVERS, EXECUTORS, ETC.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 2-36 as the same appears in the 1953 Cumulative Supplement to the General Statutes is hereby amended by adding a proviso at the end of said Section to read as follows:

"Provided, further, that G. S. 2-33 and 2-34 shall apply to Bladen County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 744 **CHAPTER 760**

AN ACT RELATING TO ELECTIONS IN THE TOWN OF PINK HILL, IN LENOIR COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All municipal elections hereafter held in the Town of Pink Hill, in Lenoir County, shall be held, conducted and governed under and by the general municipal election laws as set forth in Article 3 of Chapter 160 of the General Statutes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 753 **CHAPTER 761**

AN ACT AMENDING G. S. 160-30, FIXING THE TIME FOR HOLDING MUNICIPAL ELECTIONS IN THE TOWN OF SPRUCE PINE.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 160-30, as the same appears in Volume 3C of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Provided that the municipal election for the Town of Spruce Pine in Mitchell County shall be held on Tuesday after the second Monday in July 1955 and biennially thereafter."

Sec. 2. All laws and clauses of laws, including Section 2, Chapter 215,

Public Laws of 1935, in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 759 CHAPTER 762

AN ACT FIXING THE COMPENSATION OF THE DEPUTY SHERIFFS AND JAILER OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to his salary, effective on July 1, 1955, the Sheriff of Madison County shall be paid the sum of one hundred and fifty dollars ($150.00) per month for expenses in the operation, use and maintenance of his automobile used for official purposes.

Sec. 2. On and after July 1, 1955, the first Deputy Sheriff of Madison County, who shall also act as jailer, shall be paid a salary of one hundred and eighty dollars ($180.00) per month in addition to any fees or compensation which the Sheriff may allow him.

Sec. 3. The person designated by the Sheriff of Madison County as the second Deputy Sheriff shall, on and after July 1, 1955, receive a salary of one hundred dollars ($100.00) per month, in addition to any other fees or compensation which the Sheriff may allow him.

Sec. 4. The salaries provided for by this Act shall be paid by the Board of County Commissioners of Madison from the general fund of the county or from any other funds of the county that may be lawfully available for such purposes.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 786 CHAPTER 763

AN ACT TO AMEND ARTICLE 7 OF CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PERMIT THE USE OF COUNTY REGISTRATION BOOKS BY CITIES, TOWNS AND OTHER MUNICIPAL CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. Article 7 of Chapter 163 of the General Statutes is amended by adding a new Section immediately following G. S. 163-31.2 to be designated as G. S. 163-31.3 and to read as follows:

"G. S. 163-31.3. That any city, town or municipal corporation be and the same is hereby authorized and empowered to use, in its discretion and

upon such terms and conditions as may be mutually agreed upon by the governing body thereof and the board of commissioners of the county in which such city, town or municipal corporation is located, the registration books, process or records of such county for the registration of voters or the acceptance of registration applications, and in such event the provisions of law which are applicable to the registration of voters in such county shall apply to such city, town or municipal corporation for the purpose of any primary, general, regular or special election.

"All elections heretofore held or ordered to be held by any city, town or municipal corporation in which the registration books, process or records of the county in which the city, town or municipal corporation is located were used or ordered to be used be and the same are hereby in all respects ratified, validated and confirmed."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 812 CHAPTER 764

AN ACT TO PROVIDE FOR THE PROTECTION OF CHILDREN FROM SEXUAL PSYCHOPATHS AND PERVERTS.

The General Assembly of North Carolina do enact:

Section 1. Any person over 16 years of age who, with intent to commit an unnatural sexual act, shall take, or attempt to take, any immoral, improper, or indecent liberties with any child of either sex, under the age of 16 years, or who shall, with such intent, commit, or attempt to commit, any lewd or lascivious act upon or with the body, or any part or member thereof, of such child, shall, for the first offense, be guilty of a misdemeanor and for a second or subsequent offense shall be guilty of a felony, and shall be fined or imprisoned in the discretion of the court.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 829 CHAPTER 765

AN ACT AMENDING G. S. 160-34 SO AS TO AUTHORIZE AND DIRECT THAT THE REGISTRATION BOOKS FOR NORTH WILKESBORO TOWNSHIP, PRECINCT NO. 1, FOR GENERAL ELECTIONS, BE USED IN MUNICIPAL ELECTIONS IN THE TOWN OF NORTH WILKESBORO, AND THAT ALL QUALIFIED PERSONS, WHOSE NAMES APPEAR ON SAID REGISTRATION BOOKS, SHALL BE ENTITLED TO VOTE IN MUNICIPAL ELECTIONS IN NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 160-34, as the same appears in Volume 3C of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Provided, that the registration books for North Wilkesboro Township, Precinct No. 1, for General Elections, shall be used as the registration books for municipal elections hereafter held in the Town of North Wilkesboro, and all qualified persons, whose names appear on the registration books in North Wilkesboro Township, Precinct No. 1, for General Elections, shall be entitled to vote in municipal elections hereafter held in the Town of North Wilkesboro, and no new or separate registration of such qualified persons shall be required."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 830 CHAPTER 766

AN ACT TO AMEND CHAPTER 314 OF THE SESSION LAWS OF 1951, RELATING TO THE PRACTICE OF PHRENOLOGY, PALMISTRY, FORTUNE TELLING OR CLAIRVOYANCE.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 314, Session Laws of 1951, is hereby amended by striking out the period at the end of the first sentence of said Section after the word "herein," inserting a semicolon in lieu thereof, and adding the following:

"Provided, however, that the Board of County Commissioners of Lee County shall have the right and authority to regulate the practice of arts of phrenology, palmistry, fortune telling, and clairvoyance in Lee County; and said Board of County Commissioners of Lee County may, in their discretion, and upon written application authorize the issuance of license to practice said arts in Lee County to persons of good character who have never been convicted of a felony or any other crime involving moral turpitude, all of which must affirmatively appear from the written appli-

cation for license filed with the Board of County Commissioners of Lee County, who shall pass on and approve said application before authorizing issuance of license to the applicant; and if it appears that any false statement is knowingly made in said application and any license is received thereon, such license shall be revoked and the applicant subjected to the penalty provided by law for misdemeanors."

Sec. 2. This Act shall apply only to Lee County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 862 CHAPTER 767

AN ACT TO AMEND SECTION 163-166 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE FOLDING OF BALLOTS IN ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 163-166 be amended by adding a new sentence at the end of said Section to read as follows:

"Provided, that when a county board of elections adopts for use in a county a type of ballot box, as approved by the State Board of Elections, into which only unfolded ballots can be deposited, then the requirement above that the ballots shall be folded before being delivered to a voter and deposited in the ballot box shall not be complied with."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 872 CHAPTER 768

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CALDWELL COUNTY TO FIX THE FEES TO BE CHARGED BY THE VARIOUS COUNTY OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. Section 2½ of Chapter 1303 of the Session Laws of 1953 is hereby amended by striking out the word "and" preceding the word "Hoke", and by striking out the period after the word "Hoke" and inserting a comma and adding the words "and Caldwell".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 881 CHAPTER 769

AN ACT TO AMEND CHAPTER 630 OF THE SESSION LAWS OF 1953 RELATING TO THE COMPENSATION OF CERTAIN OFFICIALS IN MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The second, third and fourth sentences of Section 3 of Chapter 630 of the Session Laws of 1953 are stricken out and the following is substituted in lieu thereof:

"The sheriff of said county is authorized to select and appoint a chief deputy sheriff who shall be paid an annual salary of thirty-six hundred dollars ($3600.00), payable from the general fund of said county in equal monthly installments. The said sheriff is also authorized to appoint two additional deputy sheriffs who shall each be paid an annual salary of three thousand dollars ($3,000.00), payable from the general fund of said county in equal monthly installments.

"The sheriff is authorized to appoint so many part-time special deputy sheriffs as he may deem necessary, whose compensation shall be fixed by the sheriff, and which shall be paid out of the general fund of the county, upon payrolls made out and presented to the board of county commissioners. The total amount to be expended for the payment of salaries of part-time special deputies appointed under authority of this paragraph shall in no event exceed the total amount of three thousand dollars ($3,000.00) in any one year, or two hundred and fifty dollars ($250.00) in any one month.

"The Board of County Commissioners of McDowell County shall provide and maintain in good repair two automobiles for the exclusive use of said sheriff and his deputies in the performance of their official duties, and the costs thereof shall be paid from the general fund of said county.

"All fees for services rendered by the sheriff, or any of his deputies, which are allowed by law for the service of summons or other process shall be faithfully accounted for to the Clerk of the Superior Court of said county and paid monthly by him to the board of county commissioners of said county and to be credited to the general fund of the county."

Sec. 2. Section 4 of Chapter 630 of the Session Laws of 1953 is amended by striking thereform the words "and the Sheriff of said county" in line five thereof; and inserting the word "and" in lieu of the comma between the word "court" and the word "the" in line nine thereof and striking therefrom the words "and the sheriff" in line nine and ten thereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 886 CHAPTER 770

AN ACT TO AMEND G. S. 143-292 RELATING TO TORT CLAIMS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-292 is amended by adding a new sentence at the end thereof to read as follows:

"Such determination by the Industrial Commission, sitting as a full commission, upon claims in an amount of five hundred dollars ($500.00) or less, shall be final as to the State or any of its departments, institutions or agencies, and no appeal shall lie therefrom by the State or any of its departments, institutions or agencies."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 889 CHAPTER 771

AN ACT REGULATING FEES FOR SERVICE OF PROCESS BY THE SHERIFF OF PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 534, Session Laws of 1951, be and the same is hereby rewritten to read as follows:

"Section 1. Notwithstanding the provisions of G. S. 162-6, the Board of County Commissioners of Pasquotank County is hereby authorized to regulate fees to be charged and taxed as a part of the bills of costs in any civil or criminal action wherever initiated wherein the sheriff's office is required to serve papers, as follows: Service of summons in civil actions not to exceed two dollars ($2.00) for each defendant named therein; service of claims and deliveries not to exceed five dollars ($5.00), exclusive of the fees charged for service of summons; service of judicial orders not to exceed two dollars ($2.00); service of duly issued notices in connection with civil actions not to exceed two dollars ($2.00); and service of warrants in criminal actions not to exceed three dollars ($3.00)."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 906 **CHAPTER 772**

AN ACT TO AMEND CHAPTER 637 OF THE SESSION LAWS OF 1951 RELATING TO THE QUALIFICATIONS AND ELECTION OF THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF WRIGHTSVILLE BEACH IN NEW HANOVER COUNTY:

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 637 of the Session Laws of 1951 is hereby amended by rewriting the Section to read as follows:

"In the second week of June, 1955, and in the second week of June every two years thereafter, the Governor of the State of North Carolina shall appoint aldermen for the Town of Wrightsville Beach as provided in this Act. In the second week of June, 1955, he shall appoint five aldermen, two of whom shall serve for a period of four years and three of whom shall serve for a period of two years. Of the two aldermen appointed for a term of four years, one shall be a legal resident of the Town of Wrightsville Beach and one shall be the owner of either a fee simple estate or of an estate by the entirety in real estate located within the limits of the Town of Wrightsville Beach. Of the three aldermen appointed for a term of two years, one shall be a legal resident of the Town of Wrightsville Beach and two shall be owners of either a fee simple estate or of an estate by the entirety in real estate located within the limits of the Town of Wrightsville Beach. In the second week of June every two years after June, 1955 the Governor shall appoint aldermen to fill vacancies then resulting from the expiration of the terms of office of the then incumbents and such appointees shall have the same residence and property-holding requirements as are required by this Act for the appointees named in June, 1955. Such appointees shall serve for a term of four years. The board of aldermen so named shall constitute the governing body of said town and shall possess and be invested with all the powers and duties which are now or which may be hereafter given by law to governing bodies of cities and towns in the State of North Carolina. The aldermen appointed in June, 1955 and thereafter shall be recommended as hereinafter set forth. At their first meeting following the appointment in June, 1955, the aldermen shall, by majority vote, designate one of their number to be mayor. Such alderman so designated shall serve as mayor for two years and the aldermen shall select a mayor for a two-year term in July of every two years after July, 1955.

Sec. 2. Chapter 637 of the Session Laws of 1951 is hereby amended by deleting from the first line of Section 3 of the Chapter the figures "1951" and by inserting in lieu thereof the figures "1955" and is further amended by deleting from the third line of Section 3 of the Chapter the words "mayor and".

Sec. 3. Section 4 of Chapter 637 of the Session Laws of 1951 is hereby amended by deleting from the second line thereof the words "mayor and".

Sec. 4. Section 5 of Chapter 637 of the Session Laws of 1951 is here-

by amended by deleting from the first line of the Section the figures "1951" and by inserting in lieu thereof the figures "1955".

Sec. 5. Paragraph numbered 3 of Section 5 of Chapter 637 of the Session Laws of 1951 is hereby amended by deleting from the sixth line of the paragraph the figures "1951" and by inserting in lieu thereof the figures "1955".

Sec. 6. Section 8 of Chapter 637 of the Session Laws of 1951 is hereby amended by rewriting the Section to read as follows:

"In the election in June, 1955, the one legal resident and the one property owner, as set out in Section 2 hereof, receiving the highest number of votes shall be recommended as aldermen of the Town of Wrightsville Beach for a term of four years and the one legal resident and the two property owners, as set out in Section 2 hereof, receiving the next highest number of votes shall be recommended as aldermen for a term of two years. At the elections held every two years after June, 1955, when two persons are to be recommended the one legal resident and the one property owner receiving the highest number of votes shall be recommended. At the elections held every two years after June, 1955, when three persons are to be recommended the one legal resident and the two property owners receiving the highest number of votes shall be recommended. The Clerk of the Town of Wrightsville Beach and the Chairman of the New Hanover Board of Elections shall, within twenty-four hours after all votes cast in the election have been counted, forward to the Governor of the State of North Carolina the results of said election."

Sec. 7. Section 9 of Chapter 637 of the Session Laws of 1951 is hereby amended by deleting from the first line of the Section the words "mayor and".

Sec. 8. The present Mayor and Aldermen of the Town of Wrightsville Beach shall hold office until Tuesday of the first week in July, 1955 or until their successors are appointed and qualified.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 908 CHAPTER 773

AN ACT TO AUTHORIZE THE CHIEF OF POLICE OF THE TOWN OF SPARTA TO SERVE ALL PROCESSES, CIVIL AND CRIMINAL, ANYWHERE IN ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chief of Police of the Town of Sparta shall have the power and he is hereby authorized to serve anywhere within Alleghany County any process issuing out of any of the several courts of the State of North Carolina, both criminal and civil. Said chief of police shall have the same power and authority to make arrests without a warrant for offenses committed in his presence or otherwise as is now possessed by

the Sheriff of Alleghany County, and he shall be entitled to the same fees as are now paid to the Sheriff of Alleghany County for the service of said process.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 914 CHAPTER 774

AN ACT FIXING THE AMOUNT OF THE APPROPRIATION FOR CLERICAL ASSISTANCE TO THE CLERK OF SUPERIOR COURT OF MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Commissioners of Macon County be and they are hereby authorized, empowered and directed to appropriate from the general fund of the county the amount of seven hundred fifty dollars ($750.00) per year for clerical assistance to the Clerk of the Superior Court of said county.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 919 CHAPTER 775

AN ACT AMENDING CHAPTER 24, PUBLIC-LOCAL LAWS OF 1937 RELATING TO THE FEES OF JAILER OF MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 24, Public-Local Laws of 1937 be and the same is hereby rewritten to read as follows:

"Section 1. The jailer of Macon County shall be allowed a turnkey fee of one dollar ($1.00)."

Sec. 2. That Section 2 of Chapter 24, Public-Local Laws of 1937, which was repealed by Chapter 111, Public-Local Laws of 1939 be and the same is hereby re-enacted and rewritten to read as follows:

"Sec. 2. The jailer of Macon County shall be allowed one dollar and fifty cents ($1.50) per day for feeding each prisoner imprisoned in the county jail."

Sec. 3. That all the provisions of Section 3, Chapter 24, Public-Local Laws of 1937 be and the same are hereby repealed.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 939 CHAPTER 776

AN ACT TO AMEND HOUSE BILL 458, AN ACT TO FIX THE SALARIES OF OFFICIALS AND EMPLOYEES OF HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That House Bill 458 entitled "An Act to Fix the Salaries of Officials and Employees of Henderson County" is hereby amended by striking out the period at the end of Section 1 of said Act, inserting in lieu thereof a colon, and immediately following said colon the following proviso: "Provided, that salary increases for employees of the county department of public welfare and the county department of public health shall be made in accordance with the Merit System compensation plan."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 958 CHAPTER 777

AN ACT AMENDING CHAPTER 78, PRIVATE LAWS OF 1931 RELATING TO MUNICIPAL ELECTIONS IN THE CITY OF SALISBURY.

The General Assembly of North Carolina do enact:

Section 1. That Section 3, Chapter 78, Private Laws of 1931, be and the same is hereby amended by adding at the end thereof the following:

"Provided that if no more aspirants than there are places to be filled file notices of candidacy for nomination by a political party, no primary election shall be held by that party and upon the expiration of the time fixed for filing notices of candidacy, the county board of elections shall declare such persons the nominees of their political party and their names shall be placed on the ballot to be voted at the general election."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 963 **CHAPTER 778**

AN ACT TO FIX THE SALARIES OF CERTAIN OFFICIALS OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 195 of the Session Laws of 1951 is amended by striking out in lines one and two of said Section the figure "$5000.00" and inserting in lieu thereof the figure "$5500.00."

Sec. 2. Section 2 of Chapter 195 of the Session Laws of 1951 is amended by striking out in line two of said Section the figure "$5000.00" and inserting in lieu thereof the figure "$5500.00".

Sec. 3. Section 3 of Chapter 195 of the Session Laws of 1951 is amended by striking out in lines one and two of said Section the figure "$3000.00" and inserting in lieu thereof the figure "$3300.00". Said Section is further amended by striking out in line two the figure "$700.00" and inserting in lieu thereof the figure "$770.00." Said Section is further amended by striking out in line three the figure "$1500.00" and inserting in lieu thereof the figure "$1650.00."

Sec. 4. Section 4 of Chapter 195 of the Session Laws of 1951 is amended by striking out in line one the figure "$600.00" and inserting in lieu thereof the figure "$660.00".

Sec. 5. Section 5 of Chapter 195 of the Session Laws of 1951 is amended by striking out in line two of said Section the figure "$1500.00" and inserting in lieu thereof the figure "$1650.00". Said Section is further amended by striking out in line three the figure "$480.00" and inserting in lieu thereof the figure "$528.00".

Sec. 6. Section 6 of Chapter 195 of the Session Laws of 1951 is amended by striking out in line two of said Section the figure "$600.00" and inserting in lieu thereof the figure "$660.00". Said Section is further amended by striking out in line three the figure "$120.00" and inserting in lieu thereof the figure "$240.00".

Sec. 7. The Chairman of the Board of Trustees of the Henderson Graded School District shall receive an annual salary of six hundred sixty dollars ($660.00). Other members of the board shall receive an annual salary of one hundred twenty dollars ($120.00) each.

Sec. 8. Section 3 of Chapter 409 of the Session Laws of 1949 is amended by striking out in lines one and two of said Section the words and figures "two hundred fifty dollars ($250.00) per month" and inserting in lieu thereof the words and figures "thirty-three hundred dollars ($3300.00) per year". Said Section is further amended by striking out in lines three and four the words and figures "two hundred twenty-five dollars ($225.00) per month" and inserting in lieu thereof the words and figures "two hundred fifty dollars ($250.00) per month".

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be effective as of July 1, 1955.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 970 **CHAPTER 779**

AN ACT TO AMEND CHAPTER 569 OF THE PUBLIC-LOCAL LAWS OF 1913, AS AMENDED, RELATING TO ELECTION OF THE JUDGE, PROSECUTING ATTORNEY, AND THE APPOINTMENT OF A JUDGE PRO TEM, AND SUBSTITUTE JUDGE OF THE MUNICIPAL COURT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 569 of the Public-Local Laws of 1913, as amended by Chapter 699 of the Public-Local Laws of 1927, is rewritten to read as follows:

"Sec. 3. On or before the first Monday in June, 1955, the Governor shall appoint a judge of the Municipal Court of the City of High Point, who shall serve in such capacity until the first Monday in December, 1956, and until his successor is elected and qualified. At the primary and general elections to be held in 1956, and quadrennially thereafter, at the time of the election of county officers, there shall be nominated and elected a judge of the Municipal Court of the City of High Point, who shall serve in such capacity for a term of four years and until his successor is elected and qualified. At said elections the judge of the Municipal Court of the City of High Point shall be voted on by the qualified electors of the City of High Point and the qualified voters of the Townships of High Point, Jamestown and Deep River in Guilford County. Any qualified elector of the City of High Point or of the Townships of High Point, Jamestown and Deep River in Guilford County shall be eligible for election as judge of the Municipal Court of the City of High Point. Said primary and general elections shall be conducted by the Guilford County Board of Elections and shall be held under, and governed and controlled by, the general laws of the State governing the election of county officials. Any vacancy occurring in the office of judge of the Municipal Court of the City of High Point by death or resignation shall be filled for the unexpired term by the senior Resident Judge of the Eighteenth Judicial District."

Sec. 2. Subsection (p) of Section 5 of Chapter 699 of the Public-Local Laws of 1927 is repealed.

Sec. 3. That portion of Section 24 of Chapter 596 of the Public-Local Laws of 1913, as amended by Section 5 of Chapter 842 of the Session Laws of 1947, which relates to the appointment of the prosecuting attorney of the Municipal Court of the City of High Point is repealed. On or before the first Monday in June, 1955, the Governor shall appoint a prosecuting attorney of the Municipal Court of the City of High Point, who shall serve in such capacity until the first Monday in December, 1956, and until his successor is elected and qualified. At the primary and general elections for the nomination and election of county officers of Guilford County in 1956, and biennially thereafter, there shall be nominated and elected a prosecuting attorney for the Municipal Court of the City of High Point who shall serve for a term of two years and until his successor is elected and qualified. At said elections, the prosecuting attorney of the Municipal Court of the City of High Point shall be voted on by the

qualified voters of the City of High Point and the qualified voters of the Townships of High Point, Jamestown and Deep River in Guilford County. Any qualified elector of the City of High Point or of the Townships of High Point, Jamestown and Deep River shall be eligible for election as prosecuting attorney of the Municipal Court of the City of High Point. Said primary and general elections shall be conducted by the Guilford County Board of Elections and shall be held under, and governed and controlled by, the general laws of the State governing the election of county officials. Any vacancy occurring in the office of prosecuting attorney of the Municipal Court of the City of High Point shall be filled for the unexpired term by the senior Resident Judge of the Eighteenth Judicial District.

Sec. 4. Section 4 of Chapter 842 of the Session Laws of 1947 and subsection (o) of Section 5 of Chapter 699 of the Public-Local Laws of 1927, relating to the appointment of a judge pro tem or substitute judge of the Municipal Court of the City of High Point, are repealed.

On or before the 30th day of June, 1955, the Governor shall appoint a judge pro tem of the Municipal Court of the City of High Point who shall serve in such capacity until the election of a judge of said court at the general election to be held in 1956 and his successor is appointed and qualified. Upon the expiration of the term of the judge pro tem of said court, appointed as herein provided, the senior Resident Judge of the Eighteenth Judicial District shall appoint his successor who shall serve for a term of four years and until his successor is appointed and qualified. Persons appointed to the office of judge pro tem of the Municipal Court of the City of High Point by the Resident Judge of the Eighteenth Judicial District shall serve for the same terms of office as the persons elected as judge of said court and until their successors are appointed and qualified. If for any reason the judge pro tem is unable to serve during any temporary absence of the judge, the said judge of the Municipal Court may name any competent person to serve as a substitute for the judge pro tem during the period of his absence.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 974 CHAPTER 780

AN ACT AUTHORIZING THE SALE OF CERTAIN PROPERTY IN THE TOWN OF ELIZABETHTOWN, BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the Town of Elizabethtown be and it is hereby authorized to abandon such portion of Poplar Street in said town from its intersection with Broad Street to the Cape Fear River at the old ferry landing as the governing body may find to be un-

necessary for public use, Queen Street and Haverford Street from Poplar Street to the fill and bridge across the Cape Fear River.

Sec. 2. That the governing body of the Town of Elizabethtown be and they are hereby authorized to sell those portions of the said street set forth in the foregoing Section at public auction for cash after giving notice of the time and place of sale at the courthouse door of Bladen County for thirty (30) days immediately preceding the date of the sale and by publishing notice thereof once a week for four weeks preceding the date of sale in the Bladen Journal, a newspaper published in Bladen County, and to convey the same to the purchaser or purchasers by deed in fee simple.

Sec. 3. That the proceeds arising from the sale of the aforesaid property shall be placed in the general fund of the said town.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 984 CHAPTER 781

AN ACT REPEALING CHAPTER 90, PUBLIC LAWS OF 1933, SO AS TO MAKE THE PROVISIONS OF ARTICLE 2, CHAPTER 67 OF THE GENERAL STATUTES, RELATING TO LICENSE TAXES ON DOGS, APPLICABLE TO CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 90, Public Laws of North Carolina, Session 1933, be and the same is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 985 CHAPTER 782

AN ACT AUTHORIZING THE TRANSFER OF SURPLUS ROAD BOND FUNDS TO THE BOARD OF EDUCATION OF PITT COUNTY AND PRESCRIBING THE USE THEREOF FOR THE BENEFIT OF CERTAIN SCHOOLS OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. When all the bonds constituting any issue of township or district road improvement bonds in Ayden, Farmville, Greenville, Chicod, Falkland-Fountain or Winterville Townships in Pitt County, are retired and there remains a balance in the special fund provided for the payment of

such bonds, such balance shall be transferred by the County Auditor of Pitt County to the credit of the county board of education to be used by it for the sole purpose of building, repairing or improving public school buildings or grounds located in the particular township or district in which the taxes were levied and collected. In Falkland-Fountain Township such funds shall be equally divided between the Falkland and the Fountain School Districts.

Sec. 2. This Act shall apply to Pitt County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 987 CHAPTER 783

AN ACT AMENDING CHAPTER 163, PRIVATE LAWS OF 1905, AS AMENDED BY CHAPTER 216, PRIVATE LAWS OF 1929, AND FIXING THE COMPENSATION OF THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF GIBSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. That Section 3 of Chapter 163, Private Laws of 1905, as rewritten by Section 1, Chapter 216, Private Laws of 1929, be and the same is hereby amended by adding at the end thereof the following:

"The Mayor of said town shall receive an annual salary of two hundred dollars ($200.00) to be paid semiannually from the general fund of the town. Each member of the board of aldermen shall receive an annual salary of one hundred dollars ($100.00) to be paid semiannually from the general fund of the town. In case of death or resignation of the mayor or any member of the board of aldermen, he or his estate shall be paid on a pro rata basis for each month that he shall have served. Any person appointed to serve an unexpired term as either mayor or member of the board of aldermen shall be paid on a pro rata basis for each month of his service. Failure to attend board meetings shall be considered sufficient cause to justify the withholding of compensation to the mayor and members of the board of aldermen."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after June 1, 1955.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 994 CHAPTER 784

AN ACT TO FIX THE FEES OF JUSTICES OF THE PEACE IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Justices of the Peace of Dare County shall receive the following fees:

For attachment with one defendant, thirty-five cents (35c), and if more than one defendant, fifteen cents (15c) for each additional defendant; transcript of judgment, fifteen cents (15c); summons, thirty cents (30c); if more than one defendant in the same case, for each additional defendant, fifteen cents (15c); subpoena for each witness, fifteen cents (15c); trial when issues are joined, three dollars ($3.00); and if no issues are joined, then a fee of two dollars ($2.00) for trial and judgment; taking an affidavit, bond or undertaking, or for an order of publication, or an order to seize property, thirty-five cents (35c); for jury trial and entering verdict, five dollars ($5.00); execution, thirty-five cents (35c); renewal of execution, fifteen cents (15c); return to an appeal, forty cents (40c); order of arrest in civil actions, thirty cents (30c); warrant of arrest in criminal and bastardy cases, including affidavit or complaint, seventy-five cents (75c); warrant of commitment, fifty cents (50c); taking depositions on order of commission, per one hundred words, fifteen cents (15c); garnishment for taxes and making necessary return and certificate of same, thirty-five cents (35c).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 996 CHAPTER 785

AN ACT TO AMEND AN ACT PROVIDING FOR THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF THE CITY OF ALBEMARLE.

The General Assembly of North Carolina do enact:

Section 1. That that portion of Section 2 of Chapter 155 of Session Laws of 1943 amending Section 22 of Private Laws of 1911 relating to the compensation of the Board of Commissioners of the City of Albemarle be amended to read as follows:

"The compensation of each member of the Board of Commissioners of the City of Albemarle may be fixed by the board and the mayor at such amount as they may deem reasonable for services rendered, not exceeding the sum of six hundred dollars ($600.00) per year."

Sec. 2. All laws and clauses of laws in conflict with this Act, be and the same are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 997 CHAPTER 786

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF LEE COUNTY TO FIX THE SALARIES OF ALL ELECTIVE AND APPOINTIVE COUNTY OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Lee County is hereby authorized and empowered, in its discretion, to fix and determine the salaries of all elective and appointive county officials and employees: Provided, that salary increases for employees of the county department of public welfare and the county department of public health shall be made in accordance with the merit system compensation plan.

Sec. 2. Section 1 of this Act shall be effective as to the salary of the Register of Deeds of Lee County on and after December 1, 1956.

Sec. 3. Section 1 of this Act shall be effective as to the salary of the Clerk of the Superior Court of Lee County on and after December 1, 1958; provided however, that on and after July 1, 1955, the Clerk of the Superior Court shall receive as compensation for his services and for the services of such assistants and clerical employees as may be necessary for the efficient operation of said office all fees of said office up to the amount of sixteen thousand dollars ($16,000.00) per year, and all fees in excess of said sum shall be paid into the general fund of Lee County.

Sec. 4. This Act shall not be construed so as to authorize members of the Board of County Commissioners to set their own salaries.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 998 CHAPTER 787

AN ACT TO FIX THE COMPENSATION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That on and after the 1st day of July, 1955, each member of the Board of County Commissioners of Lee County, except the Chairman, shall receive as full compensation for his services the sum of fifty dollars ($50.00) per month, and the Chairman shall receive the sum of seventy-five dollars ($75.00) per month, said salaries to be paid from the general fund of Lee County.

Sec. 2. All laws and clauses of laws in conflict with this Act and particularly Chapter 629 of the Session Laws of 1945 are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 999 CHAPTER 788

AN ACT TO REQUIRE APPROVAL OF SUBDIVISIONS IN CATAWBA COUNTY BY THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. No land, situated in Catawba County, which lies more than one mile distant from the corporate limits of any incorporated town or city, shall be subdivided, and proposed streets and sidewalks laid out, until a map of said subdivision, showing the location of the lots, and the proposed streets and sidewalks, shall have been submitted to the Board of County Commissioners for Catawba County, and approved by it as to the location of the streets and sidewalks. After approval of the map as provided in this Section, the map shall be placed on record in the office of the Register of Deeds of Catawba County.

Sec. 2. Should any lands, located in Catawba County, and lying more than one mile distant from the corporate limits of any incorporated town or city be subdivided and streets and sidewalks laid out, without the approval of the Board of County Commissioners for Catawba County, as provided in Section 1 of this Act, upon any extension of the streets or roads by Catawba County, or by the State of North Carolina; or upon the incorporation of such subdivision into the limits of any incorporated town or city, the County of Catawba, State of North Carolina, or any such incorporated town or city shall have the right to extend its roads, streets and sidewalks into and through said subdivision in conformity with any plan of the county, State, or of any such incorporated town or city, and there shall be no damage recovered against Catawba County, the State of North Carolina, or any subdivision or department thereof, or against any such incorporated town or city for so extending or placing its roads, streets and sidewalks except for the purchase or condemnation value of lands so taken without regard to improvements or betterments placed thereon in contravention of this Section and Section 1 of this Act; provided, that this Act shall not apply to any subdivisions which have been laid out, or are on the 1st day of July, 1955, in the process of being laid out.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be effective July 1, 1955.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 1013 **CHAPTER 789**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LONG VIEW IN CATAWBA COUNTY, SO AS TO DIVIDE SAID TOWN INTO FIVE WARDS, AND TO PROVIDE FOR THE TERMS OF THE MAYOR AND BOARD OF ALDERMEN.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 430, Private Laws of 1907 is rewritten to read as follows:

"Sec. 3. The Town of Long View shall be divided into five wards as follows:

WARD NO. 1. All of that part of the territory of the Town of Long View lying in the following boundaries: BEGINNING at the intersection of the western line of the city limits of the City of Hickory and the center line of the main track of the Southern Railway Company, and running thence in a westerly direction with the center line of the main track of the Southern Railway Company to a point where 23rd Street, S. W., if extended in a straight line in a northerly direction would intersect with the center line of the main track of said Southern Railway; thence in a southerly direction with the center line of 23rd Street, S. W. and 23rd Street, S. W. extended, to the point of intersection of said center line of 23rd Street, S. W. with the southern boundary of the Town of Long View; running thence in an easterly direction with the southern boundary of the Town of Long View to its point of intersection with the western boundary of the City of Hickory; thence in a northerly direction with the western boundary of the City of Hickory to the point of BEGINNING.

WARD NO. 2. All of that part of the territory of the Town of Long View lying in the following boundaries: BEGINNING at the point of intersection of the center line of 23rd Street, S. W. extended in a straight line and the center line of the main track of the Southern Railway Company, and running thence in a westerly direction with the center line of the main track of the Southern Railway Company to a point where the center line of 28th Street, S. W. extended would intersect with the said center line of the main track of the said Southern Railway Company; thence running in a southerly direction with the center line of 28th Street, S. W. and 28th Street, S. W. extended to the southern boundary of the Town of Long View; thence westerly with the southern boundary of the Town of Long View to a point where the southern boundary of the Town of Long View is intersected by the center line of 23rd Street, S. W. and 23rd Street, S. W. extended; thence running in a northerly direction with the center line of 23rd Street, S. W. and 23rd Street, S. W. extended to the place of BEGINNING.

WARD NO. 3. All of that part of the territory of the Town of Long View lying in the following boundaries: BEGINNING at the point of intersection of 28th Street, S. W. extended and the center line of the main track of the Southern Railway Company, and running in a westerly direction with the center line of the Southern Railway Company to the western boundary of the Town of Long View; thence running in a south-

erly direction with the western boundary of the Town of Long View to its point of intersection with the southern boundary of the Town of Long View; running thence with the southern boundary of the Town of Long View in an easterly direction to its point of intersection with the center line of 28th Street, S. W. and 28th Street, S. W. extended; thence running in a northerly direction with the center line of 28th Street, S. W. and 28th Street, S. W. extended to the point of BEGINNING.

WARD NO. 4. All of that part of the territory of the Town of Long View lying in the following boundaries: BEGINNING at the point of intersection of the western boundary of the City of Hickory and the center line of the main track of the Southern Railway Company, and running thence in a northerly direction with the western boundary of the City of Hickory to its point of intersection with the northern boundary of the Town of Long View; thence in a westerly direction with the northern boundary of the Town of Long View to its point of intersection with the center line of 27th Street, N. W. and 27th Street, N. W. extended; thence running in a southerly direction with the center line of 27th Street, N. W. and 27th Street, N. W. extended to its point of intersection with the center line of the main track of the Southern Railway Company; thence running in an easterly direction with the center line of the main track of said Southern Railway Company to the point of BEGINNING.

WARD NO. 5. All of that part of the territory of the Town of Long View lying in the following boundaries: BEGINNING at the point of intersection of the center line of the main track of the Southern Railway Company and the center line of 27th Street, N. W. extended, and running thence in a northerly direction with the center line of 27th Street, N. W. and 27th Street, N. W. extended to its point of intersection with the northern boundary of the Town of Long View; thence running in a westerly direction with the northern boundary of the Town of Long View to its point of intersection with the western boundary of the Town of Long View; thence running in a southwesterly direction with the western boundary of the Town of Long View to its point of intersection with the center line of the main track of the Southern Railway Company; thence running in an eastwardly direction with the center line of the main track of the Southern Railway Company to the place of BEGINNING."

Sec. 2. Each ward of the Town of Long View shall be represented on the board of aldermen by one alderman, who must be a resident of that ward.

Sec. 3. The mayor at the regular municipal election of the Town of Long View, to be held on the first Monday in May, 1956, and biennially thereafter, shall be nominated and elected by the voters at large and shall serve for a term of two (2) years and until his successor is elected and qualified.

Sec. 4. At the regular municipal election of the Town of Long View, to be held on the first Monday in May, 1956, and biennially thereafter, the aldermen from Wards 2 and 5 shall be nominated and elected for terms of two years each and until their successors are elected and qualified. At said election, the aldermen from Wards 1, 3 and 4 shall be nominated

and elected for terms of one year each and until their successors are elected and qualified. Thereafter, as their terms of office expire the aldermen from said Wards 1, 3 and 4 shall be nominated and elected for terms of two years each and until their successors are elected and qualified.

Sec. 5. The mode of nomination of all elective officers of the Town of Long View to be voted for at any general or special municipal election shall be as follows and not otherwise:

(a) Petition of nomination—filing prerequisite to having name on back in general or special election. The name of a candidate shall be printed upon the official ballots for the general or special election when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

(b) Same—to consist of individual certificates; form for such certificates. The petition of nomination shall consist of not less than ten (10) and not more than twenty-five (25) certificates, which shall read substantially as follows:

PETITION FOR NOMINATION

I, the undersigned, certify that I do hereby join in a petition for the nomination of.....for the office of..... of the Town of Long View, and do hereby request that his name be printed upon the official ballot to be used at the regular election to be held on the.....

I further state that I believe him to be of good moral character and qualified to perform the duties of the office.

I further certify that I am a qualified voter of the Town of Long View and of Ward....., and am not at this time a signer of any other petition nominating any other candidate for the above named office.

My residence is at No....., ...Street.

Witness my signature, this the.....day of....., 19.....

Witness:

....

Petitioner's Signature

(c) Same—certificates to be furnished by town clerk. It shall be the duty of the town clerk to furnish, upon application after the official call of an election, a reasonable number of forms of individual certificates of the above character, at the expense of the town.

(d) Same—contents, execution, etc., of individual certificates. Each certificate must be on a separate paper; must contain the name of one signer thereto, and no more; shall contain the name of one candidate, and no more; and all certificates must be of uniform size as determined by the town clerk. Each signer must be a qualified voter and if the petition is for the office of alderman, a qualified voter of that ward must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office. In case a voter has signed two or more conflicting certificates, all such certificates shall be rejected. All certificates must be signed by the individuals personally and their signatures shall and must be witnessed by a qualified voter of the Town of Long View.

(e) Same—presentation to town clerk; town clerk to endorse date of presentation thereon. A petition of nomination consisting of not less than ten and not more than twenty-five individual certificates for any one candidate may be presented to the town clerk not more than twenty-five days nor later than ten days before the general or special election, except as otherwise herein provided. The town clerk shall endorse thereon the date upon which the petition was presented to him for filing.

(f) Same—examination by town clerk as to compliance with Section; return for noncompliance; amendment. When a petition for nomination is presented for filing to the town clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this Section. If found not to conform thereto he shall then and there in writing designate on said petition the defect or omission or reason why such petition cannot be filed, and shall return the petition to the person who presented the same for filing. The petition may then be amended and again presented to the town clerk as in the first instance. Whereupon the town clerk shall forthwith proceed to examine the petition as hereinbefore provided.

(g) Same—withdrawal of signature to individual certificate. Any signer to a petition of nomination or a certificate may withdraw his name from the same by filing with the town clerk a verified revocation of his signature before the filing by the town clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

(h) Same—withdrawal of candidacy; filing in event of such withdrawal. Any person whose name has been presented under this Section as a candidate may, not later than ten days before the day of the general or special election, cause his name to be withdrawn from nomination by filing with the town clerk a request thereof in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates does not exceed the number to be elected to said office, then other nominations may be made by filing petitions therefor not later than seven days prior to such general or special election.

(i) Same—to be filed by town clerk. If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the town clerk shall file the same ten days before the day of holding said general election, except as otherwise provided in the preceding subsection.

(j) Same—to be preserved by town clerk. The town clerk shall preserve in his office all petitions of nomination and all certificates belonging thereto.

(k) Same—effect of filing. When a petition of nomination shall have been filed by the town clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

Sec. 6. Immediately after such petitions are filed, the town clerk shall enter the names of the candidates in a list with the offices to be filled, and shall, not later than ten days before the general or special election, certify as being the list of candidates nominated as required by this Charter, and the town board shall cause such certified list of names

and offices to be filed, designated whether for a full term or unexpired term, to be published at least three days before the general or special election in one or more issues of one or more papers published in the City of Hickory.

Sec. 7. Thereupon the town clerk shall prepare and cause to be printed the ballots to be used at such general or special election; and the ballots so prepared shall contain the name of every candidate whose petition of nomination has been filed by the town clerk as aforesaid, and the name of no other candidate shall be printed thereon. At the top of each ballot shall be the words "Official Election Ballot"; following this, the names of the candidates for mayor, arranged alphabetically, shall then be placed, with a square at the left of each name, and immediately below the words, "Vote for One". Following these names, likewise alphabetically arranged, shall appear the names of the candidates for alderman from Ward Number One, if any, with a square at the left of each name, and below the names of such candidates shall appear the words, "Vote for One"; following these names, like arrangement shall be made for the names of candidates for aldermen from Ward Number Two, from Ward Number Three, from Ward Number Four, and from Ward Number Five. Like arrangement shall be made for the names of candidates for each other elective office that may be from time to time provided for by law. At the bottom of each ballot shall be the words "Instructions to Voters: To vote, make a cross (X) in the square opposite the name of the candidate for whom you desire to vote. If you tear or deface or wrongly mark the ballot, return it and get another." All ballots shall be authenticated with a facsimile of the signature of the town clerk, and shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink; and the names of all candidates shall be printed upon the ballots in the same color of ink and shall be in type of the same size and style, and the ballots shall be furnished at the expense of the town.

Sec. 8. The qualifications for voting at a general or special election shall be the four months' residence in the Town of Long View, and the qualifications required of electors voting for members of the General Assembly of North Carolina.

Sec. 9. The election officers shall immediately upon the closing of the polls at a general or special election count the ballots and ascertain the number of votes cast for each person for nomination for the office for which he was a candidate; and they shall forthwith make returns thereof to the town board of aldermen and upon blank forms to be furnished to them by the town clerk.

Sec. 10. The town board shall appoint a registrar and two judges in each ward at least thirty days before any general or special municipal election. The names of the registrar and judges of election shall appear in the notice calling for the general or special municipal election. The registrar shall be furnished, at the expense of the town, with registration books, ballot boxes, and such blank forms as are required by this Act. It shall be his duty, after being qualified, to perform the functions of his office, impartially and according to law, to open and keep open registration

books for thirty days immediately preceding the day of election; that is, the general or special municipal election. He may require any person offering to register for any general or special municipal election to take and subscribe an oath that he has resided in the State of North Carolina one year, in Catawba County six months, and in the Town of Long View four months, and that he is twenty-one years of age.

Sec. 11. If any person willfully swears falsely in taking the oath mentioned in the preceding Section, he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine not exceeding two hundred dollars ($200.00) or be imprisoned not exceeding sixty days.

Sec. 12. After being duly sworn by the mayor or a justice of the peace to conduct the election fairly, impartially, and according to law, the registrar and judges of election shall open the polls, receive and deposit the ballots in the boxes provided for that purpose, administer oaths, decide all challenges on the day of the general or special municipal election then being held, superintend and conduct the general or special municipal election in like manner as elections for members of the General Assembly of North Carolina are conducted.

Sec. 13. The registrar and judges of elections shall, immediately upon the closing of the polls, publicly count the ballots and ascertain the number of votes cast for each person for the office for which he was a candidate; and they shall forthwith make returns thereof to the town board of aldermen upon the blank forms furnished by the town clerk.

Sec. 14. At a general or special municipal election the person receiving the highest number of votes for mayor, or for alderman from any one ward, shall be deemed and declared elected to such office. If two or more persons receive the same number of votes for mayor, or for alderman from the same ward, the board of aldermen may, by majority vote, fill the vacancy so created until the next regular election.

Sec. 15. If any judge or registrar shall fail to be present on the day of election, his place shall be filled by the mayor at once, and if at any time the registrar is temporarily unable to act as such, the mayor may appoint a temporary registrar to act for him after being duly sworn, or if a vacancy should occur in said office, for any reason, then the mayor may appoint to fill the vacancy. The registrar and judges of elections shall receive for their services such compensation as shall be fixed by the board of aldermen; but such compensation shall in no event exceed that allowed by law for registrars and judges holding elections for members of the General Assembly of North Carolina.

Sec. 16. If a person elected fails to qualify, the office shall be filled as if there were a vacancy thereof, as provided in Section 14 herein.

Sec. 17. No informalities in conducting municipal elections in the Town of Long View shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this Act.

Sec. 18. If the board of aldermen shall fail to give notice of an election as herein provided, to hold and declare the same in like manner as herein prescribed, or if any officer fails to fairly and impartially perform the duties herein required to be performed by him, each of them as shall

be in fault shall forfeit and pay, for the equal benefit of the town and of him who shall sue therefor, one hundred dollars ($100.00).

Sec. 19. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 20. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 1021 CHAPTER 790

AN ACT AMENDING CHAPTER 135, PRIVATE LAWS OF 1935, SO AS TO PROVIDE A FILING FEE, AND TO CHANGE THE FILING TIME FOR CANDIDATES IN MUNICIPAL PRIMARIES AND ELECTIONS IN THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That Section 1, of Chapter 135, Private Laws of 1935, which rewrites Section 73 of Chapter 30, Private Laws of 1935 and amends Article XI of Chapter 121, Private Laws of 1931, be and the same is hereby further amended by striking out in lines eight and nine thereof the words "at least ten days" and inserting in lieu thereof the words "pay, at the time of filing, to the chairman of the municipal board of elections the sum of ten dollars ($10.00) to be transmitted to the treasury of the City of Asheville, and shall by 12:00 o'clock noon, Eastern Standard Time, on or before the fifth Saturday".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 1023 CHAPTER 791

AN ACT AMENDING CHAPTER 121, PRIVATE LAWS OF 1931, AS AMENDED, SO AS TO REPEAL AND MAKE PERMISSIVE CERTAIN LAWS OF THE CHARTER OF THE CITY OF ASHEVILLE RELATING TO THE DEPARTMENT OF WELFARE AND HEALTH.

The General Assembly of North Carolina do enact:

Section 1. That Section 26, Article 3, Chapter 121, Private Laws of 1931, be and the same is hereby amended by striking out in lines two and three thereof the words "A Department of Public Welfare".

Sec. 2. That Sections 35 and 36, being all of Article 7, Department of Public Welfare, Chapter 121, Private Laws of 1931, be and the same are hereby repealed.

Sec. 3. That Sections 179, 180, 183, 189 and 190, of Chapter 16, Private Laws of 1923, as amended and re-enacted by Section 87, Article 13,

Chapter 121, Private Laws of 1931, be and the same are hereby amended as follows:

That Section 179 thereof be and the same is hereby repealed.

That Section 180 thereof be and the same is hereby repealed.

That in Section 183 thereof strike out the word "shall" wherever it appears and insert in lieu thereof the word "may".

That in Section 185 thereof strike out in line one the word "shall" and insert in lieu thereof the word "may".

That in Section 190 in line one thereof strike out the word "shall" and insert in lieu thereof the word "may".

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after the 1st day of July, 1955.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 1026 CHAPTER 792

AN ACT TO PROVIDE THAT IN MARTIN COUNTY THE AMOUNT OF ATTORNEY'S FEE TO BE CHARGED AS COSTS IN PROPERTY TAX FORECLOSURE ACTIONS SHALL BE FIXED BY THE COURT.

The General Assembly of North Carolina do enact:

Section 1. Subsection (k) of Section 105-391 of the General Statutes is amended by rewriting the first two paragraphs thereof to read as follows:

"(k) Costs. Subject to the provisions of this subsection, costs may be taxed in any action brought under this Section in the same manner as in other civil actions. Upon collection of said costs, either upon redemption or upon payment of the purchase price at foreclosure sale, the fees allowed officers shall be paid to those entitled to receive the same: Provided, that no process tax for the use of the State shall be levied or collected in tax foreclosure actions, and, where the plaintiff is a taxing unit, no prosecution bond shall be required in such actions.

"The word 'costs' as used in this Section shall be construed to include one reasonable attorney's fee for the plaintiff in such amount as the court shall, in its discretion, determine and allow: Provided, that the governing body of any taxing unit may, in its discretion pay a smaller or greater sum to its attorney as a suit fee, and said governing body may, in its discretion, allow a reasonable commission to its attorney on delinquent taxes collected by him after said taxes have been placed in his hands; or said governing body may arrange with its attorney for the handling of tax suits on a salary basis or make such other reasonable agreement with its attorney or attorneys as said governing body may approve; and any arrangement made may provide that attorneys' fees collected as costs be collected for the use of the taxing unit; and provided further, that when any taxing unit is made a party defendant in a

tax foreclosure action and files answer therein, there may be included in the costs an attorney's fee for said defendant in such amount as the court shall, in its discretion, determine and allow."

Sec. 2. That this Act shall apply to Martin County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 1036 CHAPTER 793

AN ACT AMENDING CHAPTER 415, SESSION LAWS OF 1953, RELATING TO THE COMPENSATION OF THE ASSISTANT COUNTY ACCOUNTANT AND MEMBERS OF THE BOARD OF COMMISSIONERS OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 415, Session Laws of 1953, be and the same is hereby rewritten to read as follows:

"Section 1. As of the first Monday in December 1954, the salary of the Assistant County Accountant of Mitchell County shall be one hundred and seventy five dollars ($175.00) per month to be paid from the general fund of the county."

Sec. 2. That Section 3 of Chapter 415, Session Laws of 1953, be and the same is hereby rewritten to read as follows:

"Sec. 3. The Chairman and each member of the Board of County Commissioners of Mitchell County shall receive as compensation for their services the sum of ten dollars ($10.00) per day for attending all general and special meetings of the board. In addition, the chairman and each member shall receive mileage at the rate of ten cents (10c) per mile, computed on the basis of the round trip for all travel necessarily incurred by them in attending the meetings of the board."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 1042 CHAPTER 794

AN ACT LIMITING TRIALS BY JURY ON SMALL CLAIMS IN THE SUPERIOR COURT OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In civil actions instituted in the Superior Court of Cumberland County, including but not limited to those in attachment and claim

and delivery, wherein the only demand by a party thereto is for a sum of money not exceeding one thousand dollars ($1,000.00), exclusive of interest and costs, there shall be no trial by jury unless demand therefor is made in the complaint, answer or similar pleading first filed by a party thereto, or, in case of appeal thereto from a court of inferior jurisdiction, a written demand for trial by jury shall be filed by the appellant at the time of docketing the appeal, or by an appellee within ten days after such docketing, without limiting, however, the power of the Presiding Judge of the Superior Court to require a jury trial.

Sec. 2. The Clerk of the Superior Court of Cumberland County shall keep a "small claims docket", and duly enter thereon all such actions mentioned in the preceding Section in which such demand is not made in the complaint, which action he shall transfer to the regular civil issue docket only in case a party defendant so demands a jury trial, or pleads a counterclaim in excess of the aforesaid amount, or where a defendant or intervenor pleads other affirmative relief.

Sec. 3. No prosecution bond shall be required in the above mentioned actions, but the said Clerk of the Superior Court may acquire a deposit as advanced costs.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 1044 CHAPTER 795

AN ACT FIXING THE COMPENSATION OF THE SHERIFF OF HAYWOOD COUNTY, AUTHORIZING THE APPOINTMENT OF THREE SALARIED DEPUTY SHERIFFS AND FIXING THEIR COMPENSATION.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Haywood County shall receive an annual salary of forty-five hundred dollars ($4500.00), payable in twelve equal monthly installments from the general fund of the county. In addition to his salary said sheriff shall receive one thousand dollars ($1000.00) per year for traveling expenses, said amount to be paid monthly from the general fund.

Sec. 2. The Sheriff of Haywood County is hereby authorized to appoint three salaried deputy sheriffs, one of whom shall reside in Waynesville Township and one of whom shall reside in Beaverdam Township. The deputy sheriff residing in Waynesville Township and the deputy sheriff residing in Beaverdam Township shall each receive a salary of two hundred and fifty dollars ($250.00) per month and a travel allowance of one hundred and twenty-five dollars ($125.00) per month in addition thereto, said salaries and travel allowance to be paid monthly from the general fund of the county. The third deputy sheriff shall receive a salary of two

hundred and fifty dollars ($250.00) per month, but shall not receive any travel allowance.

Sec. 3. All fees collected by the sheriff and his salaried deputies shall be paid into the general fund of Haywood County.

Sec. 4. All laws and clauses of laws, including Chapter 701, Session Laws of 1947, and Chapter 353, Session Laws of 1951, in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

H. B. 1064 CHAPTER 796

AN ACT FIXING THE TERMS OF OFFICE OF MEMBERS OF THE BOARD OF EDUCATION OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the terms of office of Howard Holley, M. F. Kelley and J. J. Smith, appointed members of the Board of Education of Pender County, by H. B. 659, ratified on April 4, 1955, be and the same are hereby extended until April 1, 1959, and until their successors shall be appointed and qualified.

Sec. 2. At the primary election to be held in Pender County in 1956, candidates for membership on said county board of education shall be nominated from Districts Nos. 3 and 5, as provided for by Chapter 546, Session Laws of 1949, for terms of four years each. At the primary election to be held in 1958, candidates for said board shall be nominated from Districts Nos. 1, 2 and 4 for terms of four years each. After the expiration of the terms of office of the members of said board of education, nominated by districts in 1956 and in 1958, respectively, the terms of all members of the Board of Education of Pender County shall be four years.

Sec. 3. This Act shall apply to Pender County only.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1955.

S. B. 128 CHAPTER 797

AN ACT TO AMEND AND CLARIFY CHAPTER 65 ARTICLE 7 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO CEMETERIES OPERATED FOR PRIVATE GAIN.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 65-23 of the General Statutes of North Carolina so that the same hereafter shall read as follows:

"The perpetual care fund of any cemetery licensed hereunder, as here-

inafter authorized, shall immediately be turned over to and deposited with a reliable trustee, to be approved by the North Carolina Burial Association Commissioner under an irrevocable trust agreement for safekeeping and for investment as hereinafter provided. The trustee is authorized to invest, sell and reinvest, said fund in such securities as may be approved by the trustee and by the cemetery, said investments may include:

(a) "Any securities which guardians, appointed under provisions of Chapter 33 of the General Statutes, are permitted by law to invest funds for their wards.

(b) "Shares, common or preferred stock or securities of any corporation organized under the laws of the United States of America or of any state, the District of Columbia, any territory or possession of the United States of America; provided, however, that not more than fifteen per cent (15%) of said funds required by this Chapter to be deposited with such trustee shall be invested in stocks or securities of any one corporation, and not more than thirty-three and one-third per cent (33-1/3%) of said funds shall be invested in stock, either common or preferred. The amount paid for such stock or security shall be determinative of whether the permissible percentum of investment therein has been equaled or exceeded.

(c) "Common trust funds maintained by the trustee for the purpose of furnishing investments to itself as fiduciary, as authorized by Chapter 36 Article 6 of the General Statutes of North Carolina entitled 'Uniform Common Trust Fund Act'. Investments in common trust funds as defined herein shall not be considered as investment in stock and shall not be subject to limitations provided in G. S. 65-23 (b).

"The regulations and limitations established by this Section shall apply only to so much of the trust funds as are now required or may hereafter be required as a minimum amount to be paid into perpetual care funds.

"The income derived from investment of the perpetual care fund required by this Section shall be used by the cemetery to defray the expense of development, upkeep and maintenance of such cemetery."

Sec. 2. That Chapter 65 Article 7 of the General Statutes of North Carolina is hereby amended by adding a new Section immediately following G. S. 65-23 to be numbered G. S. 65-23.1 and to read as follows:

"G. S. 65-23.1. If any cemetery licensed under this Article shall deposit or shall have heretofore deposited in a perpetual care fund, an amount in excess of that required by contract or by law, such excess shall be separated by the trustee from the perpetual care trust fund required by G. S. 65-23 and placed in a separate fund which shall be an irrevocable trust and designated as Perpetual Care Trust Fund 'A', and such excess trust fund shall not be subject to the limitations as to investments as set forth in G. S. 65-23; but said funds shall be invested, sold and reinvested by the trustee in such stocks, bonds, notes, or other securities as the cemetery may direct; and the trustee in connection with investments of such excess funds shall have no responsibility except to carry out the written instructions of the cemetery with respect to such investments; to hold the securities or instruments evidencing the same and to pay to the

cemetery the income, if any, derived therefrom less its charges for handling; provided, however, that stocks purchased for investment shall not be purchased for more than the market value as of date of purchase of such stock. The income received by the cemetery from the excess trust fund (fund 'A') shall be used only for the development, upkeep and maintenance of the cemetery. Provided, however, that nothing contained herein shall permit the investment of perpetual care trust funds in stocks, bonds, or debentures of any cemetery as defined in this Chapter."

Sec. 3. That Chapter 65 Article 7 of the General Statutes of North Carolina is hereby amended by adding a new Section immediately following G. S. 65-23.1 to be numbered G. S. 65-23.2 and to read as follows:

"G. S. 65-23.2. The trustee of any perpetual care fund authorized and established by this Chapter may refuse to serve as trustee of either the fund authorized by G. S. 65-23 or G. S. 65-23.1, and in event of such refusal the cemetery may, with the approval of the Burial Association Commissioner, appoint another trustee to administer said fund. There is no requirement that the same trustee administer the trust authorized by G. S. 65-23 and that authorized by G. S. 65-23.1. The trustee may, by permission of said Burial Association Commissioner, be changed from time to time, but the trust shall be irrevocable, and the form and substance of the agreement relating thereto shall be approved by the Burial Association Commissioner."

Sec. 4. Chapter 65 Article 7 of the General Statutes of North Carolina is hereby amended by adding a new Section immediately following G. S. 65-23.2 to be numbered G. S. 65-23.3 and to read as follows:

"G. S. 65-23.3. The trustee of the perpetual care trust fund authorized by G. S. 65-23 or G. S. 65-23.1 shall receive as compensation such amounts as may be agreed upon by the cemetery and the trustee and approved by the Burial Association Commissioner."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

S. B. 305 CHAPTER 798

AN ACT TO AMEND G. S. 7-16 SO AS TO SHORTEN THE TIME IN WHICH THE CLERK OF THE SUPREME COURT SHALL TRANSMIT CERTIFICATES OF DECISIONS OF THE SUPREME COURT TO THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-16 is hereby rewritten so as to read as follows:

"The clerk on the second Monday after the filing of decisions of the Supreme Court shall transmit certificates of such decisions by some safe hand, or by mail, to the Clerks of the Superior Courts from which the cases were sent; and thereupon the clerks respectively shall issue execu-

tion for the costs incurred in the courts from which the cases were sent; and the Clerk of the Supreme Court shall issue execution for the costs incurred in that court, including all publications in newspapers made in the progress of the cause in that court, and by order of the same, and all postage on letters which concern the transfer of original papers. And if the clerk shall fail for the space of 20 days to perform the duty herein enjoined of transmitting the certificates of decisions, he shall forfeit and pay to the party or parties in whose favor the Supreme Court shall have decided one hundred dollars ($100.00).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

S. B. 392 CHAPTER 799

AN ACT AUTHORIZING A TAX LEVY FOR THE SUPPORT OF LIBRARIES IN RUTHERFORD COUNTY, AUTHORIZING THE BOARD OF EDUCATION TO ENTER INTO A CONTRACT WITH EXISTING CERTIFIED LIBRARIES, AND AUTHORIZING THE COUNTY COMMISSIONERS OF RUTHERFORD COUNTY TO LEVY A TAX FOR SUCH PURPOSE.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Education of Rutherford County be and it is hereby authorized to enter into contracts with any existing certified library in said county to furnish library extension service and reference books, periodicals and other necessary reading materials for the use and benefit of the children in the public schools of Rutherford County. Said board of education is hereby authorized to include in its budgetary request a sum sufficient to carry out the program contemplated by such contract, which shall be deemed a necessary school expense; and the Board of Commissioners of Rutherford County is hereby authorized to allow such item in the county-wide school budget and to make appropriations of such sums for said purpose and to include the same in the county-wide school tax levy. Provided, that the authority above granted shall terminate and become void on June 30, 1957.

Sec. 2. G. S. 160-74, as the same appears in the 1953 Supplement to Volume 3C of the General Statutes, is hereby amended by adding at the end thereof the following:

"In Rutherford County, the board of county commissioners of said county shall submit to the voters of said county at the next general election the question of whether a special tax shall be levied for the purpose of entering into contracts with existing certified libraries.

"The form of the question as stated on the ballot shall be in substantially the words: 'For the levy of a special library tax of not more than

five cents (5c) on the one hundred dollars ($100.00) valuation of taxable property' and 'Against the levy of a special library tax of not more than five cents (5c) on the one hundred dollars ($100.00) valuation of taxable property'. Such affirmative and negative forms shall be printed upon one ballot, containing squares opposite the affirmative and negative forms, in one of which squares the voter may make a mark (X). Provided, that the maximum tax levy to be submitted to the voters shall be determined by the governing body of said county, which maximum shall in no event exceed five cents (5c) on the one hundred dollars ($100.00) valuation of taxable property.

"If a majority of the qualified voters voting in such election favor the levy of the tax, the Board of County Commissioners of Rutherford County shall levy and cause to be collected, as other general taxes are collected, a special library tax within the limits approved by the voters in an amount which, when taken with nontax revenues, will be sufficient to meet annual appropriations for library purposes approved by the governing body of said county: Provided, that in the event the County Commissioners of Rutherford County shall establish a public library under the provisions of G. S. 160-65 prior to the 1956 General Election, then and in that event, the above called for election shall not be held, but an election for a tax levy for library purposes shall be held at said general election in accordance with the provisions of the General Statutes providing for such elections."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

S. B. 405 CHAPTER 800

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES, RELATING TO PERMANENT REGISTRATION OF VOTERS IN CERTAIN COUNTIES OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 163-12.1; 163-14.1; 163-14.2; 163-14.3; 163-15; 163-20.1; 163-29; 163-31; 163-31.1; 163-31.2; 163-43.1; 163-49.1; 163-50; 163-79.1; 163-84.1; 163-115.1; 163-163.1; 163-172; 163-173; 163-182; be amended by striking out from each of said Sections the following words wherever they appear therein:

"Counties having two or more municipalities, each with a population in excess of 35,000", and by substituting therefor the following:

"Counties having one or more municipalities with a population in excess of 10,000."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

S. B. 411 CHAPTER 801

AN ACT TO PROVIDE THAT ALL AD VALOREM TAXES LEVIED BY THE CITY OF STATESVILLE, WHICH ARE TWO YEARS OR MORE DELINQUENT, SHALL WHEN COLLECTED ACCRUE TO THE GENERAL FUND OF THE CITY OF STATESVILLE.

The General Assembly of North Carolina do enact:

Section 1. The collection hereafter made of all ad valorem taxes levied by the Governing Body of the City of Statesville, which at the beginning of any fiscal year were due and payable two years or more prior to the beginning of the fiscal year, shall accrue to the benefit of, and be deposited in the General Fund of the City of Statesville.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

H. B. 546 CHAPTER 802

AN ACT TO ADD A NEW SECTION TO G. S. 18 TO PROVIDE FOR LOCAL OPTION BEER ELECTIONS IN CERTAIN MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Section 1. A new Section is hereby added to G. S. 18 to be numbered 18-127.1 and shall read as follows:

"The governing body of any incorporated municipality having a population of two hundred (200) people or more at the time of the presentation of the petition hereinafter referred to and having organized municipal police protection, located in any county which has voted against the legal sale of beer, shall, upon receipt of a petition bearing the names of fifteen per cent (15%) of the registered voters who voted for the governing body in the last election, call an election to determine whether or not beer containing alcohol of not more than three and two-tenths per cent (3.2%) by weight shall be sold legally, either for on premise consumption or off premise consumption or both, the ballot to be governed by the language of the petition; provided, however, the provisions of this Act shall not apply to any incorporated municipality wherein beer is now legally sold unless an election shall be called under the provisions of Chapter 18 of the General Statutes and the majority of the ballots therein cast shall be against the legal sale of beer as defined in G. S. 18-64(a)."

This Act shall not apply to the counties of: Alleghany, Avery, Brunswick, Cabarrus, Chatham, Cherokee, Clay, Cleveland, Columbus, Davie, Duplin, Gaston, Graham, Harnett, Haywood, Hoke, Jackson, Johnston, Lincoln, McDowell, Macon, Madison, Mitchell, Montgomery, Moore, Northampton, Person, Randolph, Robeson, Rutherford, Stanly, Swain, Transylvania, Union, Watauga, Wilkes, Yadkin and Yancey.

Sec. 2. In the event the results of the election are for the legal sale of the above described beverage, such beverage shall be subject to the laws, rules and regulations applicable to full-strength beer.

Sec. 2(a). The provisions of this Act shall not apply to Burke and Caldwell Counties.

Sec. 2(b). Nothing in this Act shall apply to Hertford County.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

H. B. 618 CHAPTER 803

AN ACT PROVIDING THAT THE STATE OF NORTH CAROLINA MAY ENTER INTO A COMPACT WITH ANY ONE OR MORE OF THE STATES OF ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, SOUTH CAROLINA, TENNESSEE, VIRGINIA, AND WEST VIRGINIA, TO PROMOTE EFFECTIVE PREVENTION AND CONTROL OF FOREST FIRES IN THE SOUTHEASTERN REGION OF THE UNITED STATES: PROVIDING FOR MEMBERS FROM THE STATE OF NORTH CAROLINA TO AN ADVISORY COMMITTEE TO ADMINISTER SAID COMPACT: AND PROVIDING FOR THE CARRYING OUT OF SAID COMPACT.

The General Assembly of North Carolina do enact:

Section 1. The Legislature on behalf of this State is hereby authorized to execute a compact, in substantially the following form, with any one or more of the States of Alabama, Florida, Georgia, Kentucky, Mississippi, South Carolina, Tennessee, Virginia, and West Virginia, and the Legislature hereby signifies in advance its approval and ratification of such compact:

SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT

Article I.

The purpose of this compact is to promote effective prevention and control of forest fires in the Southeastern region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the

region and with states which are party to other regional forest fire protection compacts or agreements, and for more adequate forest protection.

Article II.

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, which are contiguous have ratified it and Congress has given consent thereto. Any state not mentioned in this Article which is contiguous with any member state may become a party to this compact, subject to approval by the Legislature of each of the member states.

Article III.

In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

The compact administrators of the member states shall coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, forestry commission representatives, and forestry or forest products industries representatives which shall meet from time to time with the compact administrators. Each member state shall name one member of the Senate and one member of the House of Representatives who shall be designated by that state's commission on interstate cooperation, or if said commission cannot constitutionally designate the said members, they shall be designated in accordance with laws of that state; and the Governor of each member state shall appoint two representatives, one of whom shall be associated with forestry or forest products industries to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting states, and each state shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revised a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

Article IV.

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Article V.

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance, or use of any equipment or supplies in connection therewith: Provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any state.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and subsistence of employees and maintenance of equipment incurred in connection with such request: Provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact the term employee shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this Article, in accordance with the laws of the member states.

Article VI.

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member state.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or

enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between any Federal agency and a member state or states.

Article VII.

The compact administrators may request the United States Forest Service to act as a research and coordinating agency of the Southeastern Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each state, and the United States Forest Service may accept responsibility for preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of any Federal agency engaged in forest fire prevention and control may attend meetings of the compact administrators.

Article VIII.

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region: Provided, that the Legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

Article IX.

This compact shall continue in force and remain binding on each state ratifying it until the Legislature or the Governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

Sec. 2. When the Legislature shall have executed said compact on behalf of this State and shall have caused a verified copy thereof to be filed with the State Secretary, and when said compact shall have been ratified by one or more of the states named in Section one of this Act, then said compact shall become operative and effective as between this State and such other state or states. The Governor is hereby authorized and directed to take such action as may be necessary to complete the exchange of official documents as between this State and any other state ratifying said compact.

Sec. 3. The Legislature of this State hereby gives its assent to the mutual aid provisions of Articles IV and V of the South Central Interstate Forest Fire Protection Compact in accordance with Article VIII of that compact relating to inter-regional mutual aid; and the Legislature of this State also hereby gives its assent to the mutual aid provisions of Articles IV and V of the Middle Atlantic Interstate Forest Fire Protection Compact in accordance with Article VIII of that compact relating to inter-regional mutual aid.

Sec. 4. The State Forester is hereby designated as Compact Ad-

ministrator for this State and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

At some time before the adjournment of each regular session of the General Assembly, the Governor shall choose one person from the membership of the House of Representatives, and shall choose one person from the membership of the Senate, who shall serve on the advisory committee of the Southeastern Interstate Forest Fire Protection Compact as provided for in Article III of said compact. At the time of the selection of the House and Senate members of such advisory committee, the Governor shall choose one alternate member from the House of Representatives and one from the Senate who shall serve on such advisory committee in case of the death, absence or disability of the regular members so chosen.

Sec. 5. All laws or clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

H. B. 718 CHAPTER 804

AN ACT TO AMEND G. S. 14-84 RELATING TO THE LARCENY OF DOGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-84 is rewritten to read as follows:

"G. S. 14-84. Larceny of dogs misdemeanor.—The larceny of any dog upon which a license tax has or has not been paid shall be a misdemeanor. Any person convicted of the larceny of any dog shall be fined or imprisoned in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

H. B. 737 CHAPTER 805

AN ACT TO FIX THE FEES FOR PROBATE AND REGISTRATION OF CERTAIN INSTRUMENTS IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Bladen County is authorized and empowered to fix, in its discretion, all fees and commissions which may be charged by the Register of Deeds and the Clerk of the Superior Court of Bladen County. Such fees and commissions may be fixed from

time to time by resolution of the board of county commissioners, and when once fixed, may be changed at any time, but may not be increased or decreased more than twenty per cent (20%) during any one fiscal year of the county: Provided that the schedule of fees so fixed by the county commissioners shall be posted in a promient place in the offices of the Clerk of the Superior Court and register of deeds of said county, and after said fees have been posted, if any change in the rates is made as herein provided, notice of such change shall also be posted thirty days prior to its becoming effective.

Sec. 2. The fees fixed as herein provided shall be collected by the Clerk of Superior Court and accounted for by him in the same method as now in effect.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

H. B. 814 CHAPTER 806

AN ACT TO REPEAL CHAPTER 1233 OF THE SESSION LAWS OF 1951 AND RE-ENACT CHAPTER 76 OF THE PRIVATE LAWS OF 1931.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1233 of the Session Laws of 1951, entitled "An Act to Repeal Chapter 76 of the Private Laws of 1931 Relating to Stock and Cattle Running at Large in the Village of Portsmouth in Carteret County.", is hereby repealed, and Chapter 76 of the Private Laws of 1931 is hereby re-enacted.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the first day of May, 1956.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

H. B. 874 CHAPTER 807

AN ACT TO AMEND ARTICLES 13 AND 19 OF CHAPTER 58 OF THE GENERAL STATUTES RELATING TO FIRE INSURANCE POLICIES.

The General Assembly of North Carolina do enact:

Section 1. Article 13, of Chapter 58 of the General Statutes, is amended by adding a new Section immediately following G. S. 58-126 to be designated as "G. S. 58-126.1" and to read as follows:

"G. S. 58-126.1. The Commissioner of Insurance is authorized to ap-

prove policies combining other coverages with fire insurance on property in North Carolina, either for a divisible or indivisible premium, provided the provisions of the second page of the statutory fire insurance policy as set forth in G. S. 58-176 are included therein and, provided further, that such policies shall be under the supervision of the North Carolina Fire Insurance Rating Bureau.

"This Section does not apply to insurance policies that include the peril of fire and which are excepted by law from the requirements for the use of the statutory fire insurance policy."

Sec. 2. G. S. 58-176 (2), as it appears in the 1953 Supplement to the General Statutes, is amended by striking out the period following the word "policy", in line 5 of said subsection, and adding the following: "except as provided in G. S. 58-126.1".

Sec. 3. The first paragraph of G. S. 58-177, as it appears in the 1953 Supplement to the General Statutes, is amended by inserting after the comma, following the figures "58-176", and before the word "except", in line 4 of said paragraph, the words "and as provided in G. S. 58-126.1,".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

H. B. 891 CHAPTER 808

AN ACT AMENDING G. S. 28-68.2 AND CHAPTER 473, SESSION LAWS OF 1953 SO AS TO AUTHORIZE THE CLERKS OF THE SUPERIOR COURT OF NASH AND GREENE COUNTIES TO PAY TO THE WIDOW, OR OTHERS, TWO HUNDRED FIFTY DOLLARS ($250.00) IN THE EVENT THE WIDOW'S YEAR'S SUPPORT HAS NOT BEEN ASSIGNED.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 473, Session Laws of 1953, amending G. S. 28-68.2, is hereby amended by striking out the words and figures "fifty dollars ($50.00)" in lines 7 and 8, after the word "exceed" in line 7 and before the word "he" in line 8, and substituting in lieu thereof the words and figures "two hundred fifty dollars ($250.00)".

Sec. 1½. That Section 2 of Chapter 473 of the Session Laws of 1953 is hereby amended by adding the word "Greene" after the word "Nash" and before the word "and" in line 1 of said Section.

Sec. 2. This Act shall apply to Nash and Greene Counties only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

H. B. 934 **CHAPTER 809**

AN ACT RELATING TO THE ERECTION AND EQUIPMENT OF HIGH SCHOOL BUILDINGS IN YANCEY COUNTY.

WHEREAS, in the opinion of the County Board of Education of the County of Yancey it is necessary to erect and equip one or two new buildings, to be used as high schools, in order to maintain adequately public schools in the county for the nine months' term prescribed by law, and the County Board of Education desires to ascertain whether the qualified voters of the county desire that the necessary facilities shall be provided by the erection and equipment of one building or by two buildings to be located at suitable locations in the county: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. In the event that the Board of Commissioners of the County of Yancey shall, in order to provide funds requested by the County Board of Education of said county, adopt a bond order pursuant to the County Finance Act authorizing the issuance of bonds of the County of Yancey to finance the cost of erecting and equipping school buildings to be used as high schools, said Board of Commissioners shall, if requested by the County Board of Education of said county, submit to the qualified voters of said county the question whether said County Board of Education shall erect and equip only one such building or shall erect and equip two such buildings at suitable locations in the county, and such question shall be submitted at the election at which the question of approving said bond order is submitted to the voters.

Sec. 2. The ballots used in voting on such question shall be in such form as may be prescribed by the Board of Commissioners and shall be suitable to permit each qualified voter to vote for either of the following two propositions: (1) "For the erection and equipment of a single high school building at a suitable location in said county" and (2) "For the erection and equipment of two separate high school buildings at suitable locations in said county", and each voter shall express his preference by placing a mark (X) in the appropriate square which shall be placed opposite the proposition for which he desires to vote.

Sec. 3. In the event that a majority of all the votes cast by voters voting on such question shall be in favor of the erection and equipment of a single high school building at a suitable location in said county, the money raised by the issuance of the bonds authorized by said bond order shall be expended only for the erection and equipment of a single high school building at a suitable location in said county. In the event that a majority of all the votes cast by voters voting on such question shall be in favor of the erection and equipment of two separate high school buildings at suitable locations in said county, the money raised by the issuance of the bonds authorized by said bond order shall be expended only for the erection and equipment of two separate high school buildings at suitable locations in said county.

Sec. 4. This Act shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

H. B. 1045 CHAPTER 810

AN ACT PROVIDING FOR THE NOMINATION OF MEMBERS OF THE BOARD OF EDUCATION OF HAYWOOD COUNTY BY DISTRICTS AND FIXING THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. At the primary election to be held in Haywood County in 1956 and thereafter, candidates for membership on the Board of Education of Haywood County shall be nominated by districts as follows:

District No. 1 shall consist of Waynesville Township, Ivy Hill Township and Jonathan's Creek Township.

District No. 2 shall consist of Pigeon Township, East Fork Township and Cecil Township.

District No. 3 shall consist of Clyde Township.

District No. 4 shall consist of Crabtree Township and Iron Duff Township.

District No. 5 shall consist of Fines Creek Township, White Oak Township and Cataloochee Township. Beaverdam Township is excluded from the above named districts on account of the fact that said township is contained in a city administrative unit with its own board of education.

Nominations shall be by county-wide vote but only one nominee for membership on the Board of Education of Haywood County shall reside in each of the five districts provided for in this Act.

At the primary election to be held in said county in 1956, candidates for membership on said county board of education shall be nominated from districts Nos. 3, 4 and 5 for terms of four years each. At the primary election to be held in 1958, candidates for said board shall be nominated from districts Nos. 1 and 2 for terms of four years each. After the expiration of the terms of office of the members of said board of education nominated in 1956 and in 1958, respectively, the terms of all members of the Board of Education of Haywood County shall be four years.

Sec. 2. This Act shall apply to Haywood County only.

Sec. 3. All laws and clauses of laws, including Chapter 1259, Session Laws of 1953, to the extent of any conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1955.

S. B. 266 **CHAPTER 811**

AN ACT TO AUTHORIZE APPROPRIATIONS BY THE BOARD OF COMMISSIONERS OF NEW HANOVER COUNTY FOR INDUSTRIAL DEVELOPMENT AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of New Hanover County is hereby authorized and empowered to appropriate and set apart annually a fund in such amount as said board shall in its discretion determine annually to be desirable and necessary to carry out the provisions and purposes of this Act up to and including the sum of thirty thousand dollars ($30,000.00) annually.

Sec. 2. The said board is hereby authorized and empowered to annually appropriate and set apart said fund as authorized in Section 1 hereof, in its discretion, from any surplus funds and from source or sources of revenue coming into its hands other than funds derived from taxation.

Sec. 3. The said fund when made available and appropriated annually as authorized by this Act shall be used and expended by said board, in its discretion, for the purpose of obtaining or aiding and encouraging the locating in New Hanover County of manufacturing, industrial business and commercial plants and enterprises, the agricultural development of New Hanover County and surrounding territory, the development of beaches and resorts within the said county, the advertising of the suitability of said county and the advantages it has to offer in connection with the foregoing and for such other purposes as will in the opinion of said board increase the population, taxable property values and the general and material welfare of said county. It is hereby found and declared that the annual setting apart and the raising and providing for the fund as herein set forth and the expenditure thereof as herein authorized for the purposes aforesaid constitutes and is for a lawful public purpose and that said expenditures are in the public interest and will promote the public welfare.

Sec. 4. All laws and clauses of laws in conflict with this Act to the extent of such conflict are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1955.

S. B. 328 **CHAPTER 812**

AN ACT TO AMEND CHAPTER 163 OF VOLUME 3C OF THE GENERAL STATUTES TO SIMPLIFY AND CLARIFY THE PROCEDURE TO BE FOLLOWED IN VOTING A SPLIT TICKET.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 163-155, Volume 3C is hereby amended by striking out instruction 2 of subsection (b) thereof and substituting the

following instruction 2 therefor, "2. To vote a split ticket, or in other words for candidates of different parties, omit making a cross mark (x) in the party circle at the top of the ballot and mark in the voting square opposite the name of each candidate on the ballot for whom you wish to vote."; and that instruction 3 of subsection (b) be stricken out and that the following instruction No. 3 be substituted therefor, "3. If you should mark in the party circle at the top of the ballot and also mark opposite the name of any candidate of any party, such ballot shall be counted as a straight party vote for all of the candidates of the party whose name the cross mark (x) is placed in the party circle."

Sec. 2. That G. S. 163-175, subsection 1 is amended by adding thereto a new paragraph to be designated as paragraph (c) as follows, "(c) A voter who makes a cross mark (x) in the party circle at the top of the ballot and then marks in the voting square opposite the names of candidates of any party on the ballot, such ballot shall not be considered as defaced but shall count only as a straight party vote for all of the candidates of that party below the name of which the cross mark (x) is placed in the party circle above. This direction shall be placed upon all ballots as a part of their arrangement, and any and all provisions or language in the law to the contrary is hereby repealed."; and that said Section 163-175 is further amended by striking out all of subsection "2" thereof and substituting a new subsection 2 as follows: "2. If the elector desires to vote a split ticket, or in other words for candidates of different parties, he shall omit making a cross mark (x) in the party circle below the name of any party and make a cross mark (x) in the voting square opposite the name of each candidate on the ballot for whom he desires to vote on whatever party ticket he may be."

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1955.

H. B. 176 CHAPTER 813

AN ACT RELATING TO ADOPTED CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. Paragraph 10 of G. S. 28-149 is hereby rewritten to read as follows:

"10. An adopted child shall be entitled by succession, inheritance or distribution to personal property, including, without limiting the generality of the foregoing, any recovery of damages for the wrongful death of such adoptive parent, by, through and from its adoptive parents the same as if it were the natural legitimate child of the adoptive parents. An adopted child shall not be entitled by succession, inheritance or distribution to any personal property, including, without limiting the generality of the foregoing, any recovery of damages for the wrongful death of such

natural parent, by, through and from its natural parents. The natural parents of an adopted child shall not be entitled by succession or inheritance to any real property by, through or from such adopted child."

Sec. 2. Paragraph 11 of G. S. 28-149 is hereby rewritten to read as follows:

"11. The adoptive parents and next of kin of the adoptive parents shall be entitled by succession, inheritance or distribution to personal property, including, without limiting the generality of the foregoing, any recovery of damages for the wrongful death of such adopted child by, through and from an adopted child the same as if the adopted child were the natural, legitimate child of the adoptive parents. Neither the natural parents nor the next of kin of the natural parents shall be entitled by succession, inheritance or distribution to any personal property, including, without limiting the generality of the foregoing, any recovery of damages for the wrongful death of such adopted child, by, through or from an adopted child."

Sec. 3. Rule 14 of G. S. 29-1 is hereby amended by adding the following new sentence at the end thereof:

"An adopted child shall not be entitled by succession or inheritance to any real property by, through or from its natural parents."

Sec. 4. Rule 15 of G. S. 29-1 is hereby rewritten to read as follows:

"Rule 15. Succession and inheritance rights of adoptive parents and heirs of adoptive parents. The adoptive parents and the heirs of the adoptive parents shall be entitled by succession or inheritance to real property by, through, and from an adopted child the same as if the adopted child were the natural, legitimate child of the adoptive parents. Neither the natural parents nor the heirs of the natural parents shall be entitled by succession or inheritance to any real property by, through or from an adopted child."

Sec. 5. G. S. 48-23 is hereby rewritten to read as follows:

"48-23. Effect of final order. (a) The final order forthwith shall establish the relationship of parent and child between the petitioners and child, and, from the date of the signing of the final order of adoption, the child shall be entitled to inherit real and personal property by, through, and from the adoptive parents in accordance with the statutes of descent and distribution. An adopted child shall have the same legal status, including all legal rights and obligations of any kind whatsoever, as he would have had if he were born the legitimate child of the adoptive parent or parents at the date of the signing of the final order of adoption, except that the age of the child shall be computed from the date of his actual birth.

(b) Where an adoption proceeding has been instituted and interlocutory decree has been entered and one of the petitioners who seeks to adopt the child dies before the final order of adoption has been entered, and the wife or husband of such deceased petitioner shall thereafter obtain a final order of adoption, then said child shall have the status defined in subsection (a) of this Section and shall be entitled to inherit real and personal property by, through, and from the deceased petitioner in accordance with statutes of descent and distribution in the same manner as if

the final order of adoption had been entered prior to such petitioner's death.

Sec. 6. The provisions of this Act shall apply to adoptions, whether granted before or after the effective date of the Act.

Sec. 7. Provided this Act shall not apply to pending litigation.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 4th day of May, 1955.

H. B. 365 CHAPTER 814

AN ACT TO AMEND SECTION 50-16 OF THE GENERAL STATUTES TO PROVIDE FOR ACTIONS THEREUNDER TO BE PROPER AS A CROSS-ACTION IN A SUIT FOR DIVORCE AND FOR CROSS-ACTIONS FOR DIVORCE TO BE PROPER IN ACTIONS THEREUNDER.

The General Assembly of North Carolina do enact:

Section 1. Section 50-16 of the General Statutes is amended by substituting a comma for the period after the word "husband" in line 8, and adding the following: "Or she may set up such cause of action as a cross-action in any suit for divorce, either absolute or from bed and board; and the husband may seek a decree of divorce, either absolute or from bed and board, in any action brought by his wife under this Section."

Sec. 1 (a) Provided that this Act shall not apply to pending litigation.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 4th day of May, 1955.

H. B. 885 CHAPTER 815

AN ACT TO PROVIDE FOR SEARCH WARRANTS TO ISSUE UPON REASONABLE CAUSE TO SUSPECT THAT ANY PERSON HAS IN HIS POSSESSION OR ON HIS PREMISES, BARBITURATE DRUGS FOR SOME UNLAWFUL PURPOSE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 15 of the General Stautes is hereby amended by adding a new Section immediately following G. S. 15-25, to be designated as "G. S. 15-25.1", and to read as follows:

"G. S. 15-25.1. Search warrants issued for barbiturate drugs.—(a) If any credible witness shall prove, upon oath, before any justice of the

peace, or mayor of any city, or chief magistrate of any incorporated town, or the clerk of any court inferior to the Superior Court, that there is a reasonable cause to suspect that any person has in his possession, or on his premises, any barbiturate drugs for sale, disposition or other purpose, such sale disposition other purpose being unlawful, it shall be lawful for such justice, mayor or chief magistrate of any incorporated town to grant a warrant, to be executed within the limits of his county or of the county in which such city or incorporated town is situated, and for the clerk of any court inferior to the Superior Court to grant a warrant, to be executed within the territorial jurisdiction of such court, all such warrants to be directed to any proper officer, authorizing him to search for such barbiturate drugs, and to seize the same, and to arrest the person having in possession or on whose premises may be found such barbiturate drugs, and to bring them before any magistrate of competent jurisdiction, to be dealt with according to law.

"(b) For purposes of this Act, the term 'barbiturate drug' means:

"(1) the salts and derivatives of barbituric acids or compounds, preparations or mixtures thereof; and (2) drugs, compounds, preparations or mixtures which have a hypnotic or somnifacient effect on the body of a human or animal, to be found by the State Board of Pharmacy and duly promulgated by rule or regulation; except that the term 'barbiturate drug' shall not include any drug the manufacture or delivery of which is regulated by the narcotic drug laws of this State: Provided, however, that the term 'barbiturate drug' shall not include compounds, mixtures, or preparations containing salts or derivatives of barbituric acid when such compounds, mixtures, or preparations contain a sufficient quantity of another drug or drugs, in addition to such salts or derivatives, to cause it to produce an action other than its hypnotic or somnifacient action."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1955.

H. B. 933 CHAPTER 816

AN ACT TO AMEND CHAPTER 44 ARTICLE 10 OF THE GENERAL STATUTES OF NORTH CAROLINA ENTITLED: "AGRICULTURAL LIENS FOR ADVANCES."

The General Assembly of North Carolina do enact:

Section 1. Section 44-52 of the General Statutes of North Carolina is hereby amended by adding after the comma appearing after the word "soil" in line three the following: "or advances of wood, coal, kerosene, gasoline, fuel oil, or other combustible substance which is to be used in preparing a product of the soil for sale,"

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1955.

H. B. 951 CHAPTER 817

AN ACT TO AUTHORIZE AND PROVIDE FOR THE INCLUSION OF COURSES OF TRAINING AND INSTRUCTION IN THE OPERATION OF MOTOR VEHICLES AS PART OF THE CURRICULUM OF THE SEVERAL PUBLIC HIGH SCHOOLS IN THE STATE.

The General Assembly of North Carolina do enact:

Section 1. The State Boards of Education and County and City Board of Education in this State are hereby authorized to provide as a part of the curriculum of the public high schools in this State a course of training and instruction in the operation of motor vehicles and to make such course of training available to high school students who are found and designated to be eligible for such course of training and instruction as hereinafter provided.

Sec. 2. The County and City Boards of Education of every administrative unit are hereby authorized to include as an item of instructional service and as a part of the current expense fund of the budget of the several high schools under their supervision, the expense necessary to install and maintain a course of training and instructing eligible students in such schools in the operation of motor vehicles.

Sec. 3. The Boards of County Commissioners in the several counties of the State and the governing bodies of all municipalities having power to appropriate and raise money by taxation and otherwise are hereby authorized to appropriate funds necessary to pay the expenses necessary to install and maintain in any public high school under their supervision a course of training and instruction for eligible students in such schools in the operation of motor vehicles, whether or not the County Board of Education or administrative unit shall have included the cost of the same in its budget request when submitted for approval.

Sec. 4. The Board of County Commissioners in the several counties of the State and the governing bodies of all municipalities having power to appropriate money and to levy taxes and raise money are hereby authorized to provide the moneys appropriated pursuant to this Act or pursuant to any other general, Special or Public-Local Act providing for such course of instruction and training in any public high school, by taxation, or by sale or rental of any real or personal property owned by such county or other taxing unit, or by use of any surplus funds on hand or acquired from any source; and the special approval of the General Assembly is hereby given for the levying of taxes for such purpose and for providing funds for such purpose by the other means herein mentioned.

Sec. 5. The words "a course of training and instruction for eligible students in the operation of motor vehicles" as applied to this Act shall be construed to mean such course of instruction in the operation of motor

vehicles as shall be prescribed or approved by the State Department of Public Instruction, provided that every such course shall include actual operation of motor vehicles by the students eligible for same, under the supervision of a qualified instructor. Only such students of the completed age of 14 years and 6 months, and as shall be designated by the principal of the school upon recommendation of two teachers, shall be eligible for such course of instruction, subject to rules and regulations prescribed by the State Department of Public Instruction.

Sec. 6. The acts of all Boards of County Commissioners and the governing bodies of all municipalities, the acts of all County and City Boards of Education, and the acts of the State Board of Education heretofore done in connection with providing courses of training and instruction in the operation of motor vehicles in this State, including the appropriation and expenditure of funds for such purpose, are hereby ratified and confirmed.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1955.

H. B. 1016 CHAPTER 818

AN ACT TO AMEND THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM ACT BY DEFINING THE TERM "YEAR" TO MEAN A FISCAL YEAR UNLESS OTHERWISE DEFINED BY REGULATIONS OF THE BOARD OF TRUSTEES.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 135-1, of Volume 3B of the General Statutes by adding thereto a new subsection to be designated as subsection "(25)" and which shall read as follows:

"(25) 'Year' as used in this Article shall mean the regular fiscal year beginning July 1 and ending June 30 in the following calendar year unless otherwise defined by regulation of the Board of Trustees."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1955.

H. B. 1033 CHAPTER 819

AN ACT RELATING TO THE FILING OF PAPERS BY THE CLERK OF THE SUPERIOR COURT OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of the Superior Court of Guilford County shall not accept for probate or recordation any papers or documents, with the

exception of holographic wills, executed after the effective date of this Act unless there shall appear on the instrument following the words "Drawn by" the signature of the person who drafted said papers or documents, or unless in some other manner the draftsman shall be designated thereon; except such instruments as are prepared in other counties of North Carolina or other states or countries, and in those instances there shall appear on the papers, documents, or instruments "not drawn in Guilford County", or words of similar import; or it shall otherwise appear on said papers, documents and instruments that the same were drawn outside of Guilford County; provided, that any of the aforementioned papers, documents and instruments shall be allowed for probate where any of the following shall be established by affidavit:

(1) After due diligence the draftsman cannot be determined or located.

(2) The draftsman, though known, refuses to sign said instrument, and the affidavit shall disclose the name and address of such draftsman.

(3) Any party to the instrument is dead.

(4) Any party to the instrument is under physical or mental disability or infirmity.

(5) Any party to the instrument is a corporation and the charter of such corporation has been cancelled or suspended and it no longer exists.

Such affidavit shall be attached to the instrument to be probated and recorded and the clerk shall not be required to pass on the sufficiency and authenticity of the affidavit. The clerk shall collect an additional one dollar and fifty cents ($1.50) for recording the affidavit; provided, this Act shall not apply to any pleading or other document filed in any civil action or special proceeding.

Sec. 2. This Act shall not affect the validity of any paper, document or instrument coming under the provisions of this Act but shall implement the enforcement of the General Statutes relating to the unauthorized practice of law.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 4th day of May, 1955.

H. B. 1177 CHAPTER 820

AN ACT TO AMEND CHAPTER 604 OF THE 1951 SESSION LAWS OF NORTH CAROLINA, PRESCRIBING AND REGULATING THE SALARIES AND EMOLUMENTS OF CERTAIN OFFICERS OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 604 of the 1951 Session Laws of North Carolina is hereby amended by striking out Section 9 and inserting in lieu thereof the following:

"The Clerk of the Superior Court of Granville County shall receive

for his services as clerk of said court a salary, to be fixed by the board of commissioners of said county, of not less than twenty-eight hundred dollars ($2800.00) and not more than forty-five hundred dollars ($4500.00) per annum, payable monthly; and for his services as clerk of the recorder's court of said county, he shall receive a salary of not less than fifty dollars ($50.00) per month and not more than one hundred and fifty dollars ($150.00) per month; and for his services as judge of the juvenile court, he shall receive a salary of not less than twenty-five dollars ($25.00) per month, all to be paid by the county and to be fixed by the board of commissioners.

"The Clerk of the Superior Court of Granville County may appoint two assistant or deputy clerks, subject to the provisions of the general law as to the appointment, qualification, jurisdiction, powers, duties and liabilities of such assistant or deputy clerks, who shall be paid by the county for his or her services a salary, to be fixed by the board of commissioners of said county, of not less than one hundred dollars ($100.00) and not more than three hundred dollars ($300.00) per month. Said Clerk of the Superior Court of Granville County may also appoint a deputy clerk or stenographer, who shall be paid by the county for his or her services a salary, to be fixed by the board of commissioners of said county, of not less than one hundred dollars ($100.00) and not more than two hundred and fifty dollars ($250.00) per month. The Board of Commissioners of Granville County may authorize the Clerk of the Superior Court of said county to appoint another deputy clerk or stenographer, who shall be paid by the county for his or her services a salary, to be fixed by said board of commissioners, of not less than one hundred dollars ($100.00) and not more than two hundred and fifty dollars ($250.00) per month. If said Clerk of the Superior Court shall appoint a deputy or deputies clerk as herein allowed, said deputy or deputies shall possess all the authority, powers and duties conferred, and be subject to all the liabilities imposed, upon deputies clerk by the general law.

"Said assistant clerks, deputy clerks and stenographers shall also assist the Clerk of the Superior Court with his duties as Clerk of the Recorder's Court and as Judge of the Juvenile Court of Granville County and shall perform such other duties in connection with the office of the Clerk of the Superior Court of Granville County as may be assigned them by the clerk."

Sec. 2. That the payment to the Clerk of the Superior Court of Granville County since the ratification of Chapter 604 of the 1951 Session Laws of North Carolina of an annual salary of forty-five hundred dollars ($4500.00) be and the same is hereby ratified, approved and validated.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1955.

S. B. 200 CHAPTER 821

AN ACT REWRITING SECTIONS 1 AND 2 OF CHAPTER 309 OF THE PUBLIC LAWS OF 1939, SO AS TO PLACE THE MUNICIPALITIES IN JACKSON COUNTY UNDER THE PROVISIONS OF THE GENERAL ELECTION LAWS.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 309, Public Laws of 1939, be and the same is hereby rewritten to read as follows:

"That the provisions of Article 10, Chapter 163 of the General Statutes of North Carolina, shall apply to municipal elections in the municipalities located within the County of Jackson."

Sec. 2. That Section 1 of Chapter 215, Session Laws of 1951, which rewrites Section 2 of Chapter 309, Public Laws of 1939, be and the same is hereby amended by adding at the end thereof the following:

"Provided that elections in all municipalities in Jackson County except in the Town of Sylva, shall be conducted under the provisions of Article 3, Chapter 160 of the General Statutes, and provided, further, that in such municipal elections except in the Town of Sylva, the duties imposed upon chairmen of the county boards of election by Article 10, Chapter 163 of the General Statutes, shall be exercised by the town clerk of such municipalities."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

S. B. 323 CHAPTER 822

AN ACT TO PROVIDE A PROCEDURE FOR THE COLLECTION OF THE TAX ON SPECIAL FUELS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 105 of the General Statutes is hereby amended by adding a new Article immediately following Article 36, to be designated as Article 36A, and to read as follows:

"Article 36A

Special Fuels Tax

"G. S. 105-449.1. Short title.—This Article shall be known and may be cited as the 'Special Fuels Tax Act'.

"G. S. 105-449.2. Definitions.—The following words, terms and phrases as used in this Article are, for the purposes thereof, hereby defined as follows:

(1) 'Commissioner' shall mean the Commissioner of Revenue.

(2) 'Motor vehicles' shall mean and include all vehicles, engines, machines or mechanical contrivances which are propelled by internal com-

bustion engines or motors upon which or by which any person or property is or may be transported or drawn upon a public highway.

(3) 'Fuel' or 'fuels' shall mean and include all combustible gases and liquids, used, purchased or sold for use in an internal combustion engine or motor for the generation of power to propel motor vehicles on the public highways, except such fuels as are subject to the tax imposed by G. S. 105-434.

(4) 'Highway' shall mean and include every way or place of whatever nature open to the use of the public for purposes of vehicular travel in this State, including the streets and alleys in towns and cities.

(5) 'Person' shall mean and include natural persons and partnerships, firms, associations and corporations.

(6) 'Use' shall mean and include, in addition to its original meaning, the receipt of fuel by any person into the fuel supply tank of a motor vehicle or into a receptacle from which fuel is supplied by any person to his own or other motor vehicles.

(7) 'User' shall mean and include any person who owns or operates any Diesel propelled motor vehicle or vehicles licensed under the motor vehicle laws of this State and who does not maintain storage facilities for fueling such vehicles. All such users shall be licensed hereunder.

(8) 'User-seller' means any person who maintains storage facilities in excess of 100 gallons and stores fuel therein, and who dispenses such fuel into the fuel tanks of, or attached to, motor vehicles and shall include any such person who so dispenses fuel for consumption in such motor vehicles owned, leased or operated by him.

(9) 'Supplier' means any person who sells or delivers fuel to a user-seller as herein defined for resale or use; and any person who imports fuel into the State other than in the usual tank or receptacle connected with the engine of the motor vehicle in the operation of which the fuel is to be consumed, and uses the same in a motor vehicle owned or operated by such person.

(10) 'Peddler' means any person who neither owns nor operates stationary storage facilities, and who transports fuel from place to place in any vehicle having thereon any tank or other container of more than 100 gallons capacity, and sells or offers to sell fuel and deliver the same from such vehicle to any user-seller or uses as herein defined, and such peddler shall be deemed a supplier and as such be subject to all applicable provisions of this article.

(11) 'Liquid' means any substance which is liquid at temperatures in excess of 60 degrees F. and a pressure of 14.7 pounds per square inch absolute.

"G. S. 105-449.3. Requirements of licenses.—(a) It shall be unlawful for any person to sell or deliver fuel within this State to a user-seller as herein defined unless such person is the holder of an uncancelled license as a supplier issued by the Commissioner.

"(b) It shall be unlawful for any person to maintain storage facilities for fuel and dispense fuel therefrom into any fuel tank attached to a

motor vehicle unless such person is the holder of a license as a user-seller issued by the Commissioner.

"(c) It shall be unlawful for any peddler to sell or offer for sale any fuel unless he is the holder of an uncancelled supplier's license issued by the Commissioner.

"G. S. 105-449.4. Application for license.—To procure such license every supplier shall file with the Commissioner an application upon oath in such form as the Commissioner may prescribe setting forth the name and address of the supplier and such other information as the Commissioner may require.

"G. S. 105-449.5. Supplier to file bond.—A supplier's license shall not be issued until the applicant has filed with the Commissioner a bond in the approximate sum of three times the average monthly tax due to be paid by such supplier, but the amount of the bond shall in no case be less than five hundred dollars ($500.00) nor more than twenty thousand dollars ($20,000.00). Such bond shall be in such form and with such surety or sureties as may be required by the Commissioner, conditioned upon making proper reports and paying the tax provided for in this Article, and otherwise complying with the provisions of this Article: Provided, however, that a licensed distributor who has already furnished a bond under the provisions of G. S. 105-433 shall not be required to furnish any additional bond by reason of this Section, but the terms of such bond may be altered so as also to include compliance with the provisions of this Article as a condition thereof. The bonds provided for pursuant to this Section shall be made payable to the State.

"G. S. 105-449.6. When application may be denied.—In the event that:

(1) Any application for a supplier's license shall be filed by any person whose license shall at any time theretofore have been cancelled for cause by the Commissioner, or

(2) The Commissioner shall be of the opinion that such application is not filed in good faith, or

(3) Such application is filed by some person as a subterfuge for the real person in interest whose license or registration shall theretofore have been cancelled for cause by the Commissioner:

"Then and in any of such events the Commissioner after a hearing of which the applicant shall have been given five days' notice in writing and in which the applicant shall have the right to appear in person or by counsel and present testimony, may refuse to issue a license to such person.

"G. S. 105-449.7. Issue of supplier's license.—The application in proper form having been accepted for filing, and the other conditions and requirements of this Article having been complied with, the Commissioner shall issue to such supplier a license and such license shall remain in full force and effect, unless cancelled as provided in this Article.

"G. S. 105-449.8. License not assignable.—The license so issued by the Commissioner shall not be assignable and shall be valid only for the supplier in whose name issued.

"G. S. 105-449.9. License required of user or user-seller; application;

termination.—After June 30, 1955, no user or user-seller, as defined in this Article, shall use, sell or deliver fuel unless he has secured a license from the Commissioner. Such license shall be issued upon the furnishing by the applicant of such reasonable information as shall be required by the Commissioner, and shall continue in full force and effect, unless cancelled as provided by this Article.

"G. S. 105-449.10. Records and reports required of user-seller or user.—Each user-seller or user licensed under this Article shall keep such records and make such reports to the Commissioner as shall be prescribed under regulations promulgated by the Commissioner. Such records and reports shall be such as are adequate to show all purchases, sales, deliveries and use of fuel by such seller or user, provided that persons licensed as users shall file such reports quarterly on or before the twenty-fifth day of the month immediately following the end of the quarter.

"G. S. 105-449-11. Display of license.—Suppliers' and user-sellers' licenses so issued shall be displayed conspicuously by the licensee at his principal place of business. Each peddler shall display his license or an official duplicate thereof on each motor vehicle used by him for the sale or delivery of fuel.

"G. S. 105-449.12. Record of licenses.—The Commissioner shall keep and file all applications with an alphabetical index thereof, together with a record of all licensed suppliers and user-sellers.

"G. S. 105-449.13. Commissioner to furnish licensed supplier with list of licensed user-sellers.— The Commissioner shall upon request furnish to each licensed supplier a list showing the name and business address of each licensed user-seller as of the beginning of each fiscal year, and shall thereafter, during such year, supplement such list monthly.

"G. S. 105-449.14. Power of Commissioner to cancel licenses.—If a licensee shall at any time file a false report of any data or information required by this Article, or shall fail, refuse or neglect to file any report as required by this Article, or to pay the full amount of any tax required by this Article, or if a supplier fails to keep accurate records of quantities of fuel received, produced, refined, manufactured, compounded, sold or used in this State, or if a user-seller fails to maintain accurately any required records, the Commissioner may forthwith cancel his license and notify him in writing of such cancellation by registered mail sent to his last address appearing on the files of the Commissioner.

"The Commissioner may cancel any license upon the written request of the licensee.

"G. S. 105-449.15. Discontinuance as a licensed supplier.—Whenever any person ceases to be a supplier within the State by reason of the discontinuance, sale or transfer of the business of such supplier, such supplier shall notify the Commissioner in writing at the time the discontinuance, sale or transfer takes effect. Such notice shall give the date of discontinuance and, in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee thereof. All taxes for which such supplier has become liable under this Article, although not yet due and payable under other provisions of this Article,

shall, notwithstanding such provisions, become due and payable concurrently with such discontinuance, sale or transfer and any such supplier shall make a report and pay all such taxes, interest and penalties and surrender to the Commissioner the license certificate theretofore issued to such supplier by the Commissioner.

"Unless the notice above provided for shall have been given to the Commissioner as above provided, such purchaser or transferee shall be liable to the State for the amount of all taxes, penalties and interest under this Article accrued against any such supplier so selling or transfering his business on the date of such sale or transfer, but only to the extent of the value of the property thereby acquired from such supplier.

"G. S. 105-499.16. Levy of tax; purposes.—(a) A tax at the rate of seven cents (7c) per gallon is hereby imposed upon all fuel sold or delivered by any supplier to any licensed user-seller, or used by any such supplier in any motor vehicle owned, leased or operated by him, or delivered by such supplier directly into the fuel supply tank of a motor vehicle, or imported by a user-seller into, or acquired tax free by a user-seller or user in this State for resale or use for the propulsion of a motor vehicle. For the purpose of this Section, 'imported' shall not include fuels brought into this State in the usual tank or receptacle connected with the engine of a motor vehicle. The primary purposes of this levy and this Article are to provide a more efficient and effective method of collecting the tax now imposed and collected pursuant to G. S. 105-435, by providing for the collection of said tax from the supplier instead of the user. The tax herein provided for is levied for the same purposes as the tax provided for in G .S. 105-435. It is not intended that the tax collected pursuant to this Article shall be in addition to that provided in G. S. 105-435, but the payment of the tax as provided by this Article shall be deemed conclusively to constitute a compliance with the provisions of G. S. 105-435. The seven cents (7c) per gallon tax, hereinabove provided for, shall be subject to the provisions of Section 13 of Chapter 1250 of the Session Laws of 1949, relating to G. S. 105-435, in that one cent (1c) out of every said seven cents (7c) tax per gallon shall be applied exclusively to the payment of the principal of and the interest on the Two Hundred Million Dollars ($200,000,000.00) State of North Carolina Secondary Road Bonds therein provided for and as further provided in said Chapter 1250 of the Session Laws of 1949.

"G. S. 105-449.17. Certain exempt sales.—Sales of fuels to a user-seller shall be exempt from the tax levied under the provisions of this Article when such user-seller purchases said fuel for non-highway uses or for sale for non-highway use and maintains storage facilities for such fuel separate and apart from facilities servicing motor vehicles, providing such storage facilities are plainly marked in such manner as the Commissioner may prescribe to indicate that non-taxpaid fuel is contained therein. Suppliers shall make reports of such sales, in such form as the Commissioner may require, each month on monthly tax report forms. Each user-seller shall maintain such records as the Commissioner may prescribe of all non-taxpaid fuel purchased pursuant to this Section. All records of nontaxable sales

and purchases made pursuant to this Section shall be subject to audit by deputies, employees or other agents of the Commissioner.

"G. S. 105-449.18. Liability of unlicensed person for tax on non-taxpaid fuels sold or delivered to others than licensees.—Any person who shall, while not licensed under this Article, deliver to persons or firms other than licensees under this Article, any special fuels upon which the tax due hereunder has not been paid and which such person knows, or reasonably should know, is to be used or sold for the purpose of propelling motor vehicles on the public highways shall be liable for the tax imposed by this Article.

"G. S. 105-449.19. Tax reports; computation and payment of tax.—On or before the twenty-fifth day of each calendar month, each supplier of liquid fuel shall render to the Commissioner a statement on forms prepared and furnished by the Commissioner, which shall show the quantity of fuel on hand on the first and last days of the preceding calendar month, the quantity received during the month and the quantity sold to user-sellers; and each supplier of fuels which are not liquid shall keep such records and make such reports of inventory as the Commissioner shall by regulation prescribe in order to show accurately the quantity of such fuel used by such supplier or sold to user-sellers and pay a tax thereon which as calculated by the Commissioner, would be equivalent to the seven cents (7c) per gallon tax levied on liquid fuels. Each such supplier shall at the time of rendering such report pay to the Commissioner the tax or taxes herein levied during the preceding calendar month.

"G. S. 105-449.20. When Commissioner may estimate fuel sold, delivered or used.—Whenever any person shall neglect or refuse to make and file any report for any calendar month as required by this Article or shall file an incorrect or fraudulent report, the Commissioner shall determine, from any information obtainable, the number of gallons of fuel with respect to which the person has incurred liability under the special fuels tax laws of the State.

"G. S. 105-449.21. Report of purchases by user-seller.—On or before the twenty-fifth day of each calendar month, each user-seller not otherwise licensed as a supplier shall render to the Commissioner a statement on forms furnished by the Commissioner, which shall be signed by the user-seller. The statement shall show the quantity of fuel on hand at the beginning of the month, the quantity on hand at the end of the month, the quantity sold or used and each and every purchase made by the user-seller during the preceding calendar month. Each purchase shall be specifically noted on the statement and the statement shall show the name and address of the supplier and the quantity and date of each purchase.

"G. S. 105-449.22. Lease operations.—A lessee of a motor veheicle, and not the lessor thereof, shall make such reports and be liable for and pay such taxes as may become due under this Article with respect to all operations by a lessee pursuant to any lease of a motor vehicle.

"G. S. 105-449.23. Penalty for failure to file report on time.—When any user-seller or user shall fail to file a report within the time prescribed by this Article, he shall be subject to a penalty of not more than fifty

dollars ($50.00) for the first offense and not more than one hundred dollars ($100.00) for any subsequent offense, and any penalty pursuant to this Section shall be assessed and collected by the Commissioner in the same manner as any tax provided for in this Article and shall be subject to all other applicable provisions relating to the assessment and collection of taxes pursuant to this Article.

"G. S. 105-449.24. Penalty for failure to report or pay taxes promptly.—When any supplier shall: (1) Fail to submit its monthly report to the Commissioner by the twenty-fifth day of the following month, (2) fail to submit the data required by G. S. 105-449.19 in such monthly report, or (3) fail to pay to the Commissioner the amount of taxes hereby imposed when the same shall be payable, there shall be added thereto a penalty equal to twenty-five per centum of the tax, to be paid by such supplier. Thereafter the tax shall also bear interest at the rate of one half of one per centum (½ of 1%) per month until the tax is paid, and the tax, penalty and interest pursuant to this Section shall be assessed and collected by the Commissioner in the same manner as any tax provided for in this Article and shall be subject to all other applicable provisions relating to the assessment and collection of taxes pursuant to this Article. The Commissioner of Revenue shall have the power, upon making a record of his reasons therefor, to reduce or waive any penalties provided for in this Article.

"G. S. 105-449.25. Use of metered pumps by user-sellers.—Each user-seller shall dispense all liquid fuel sold by him to others from metered pumps which indicate the total amount of fuel measured through such pumps. Each such pump shall have marked thereon the words 'Diesel Fuel'; or, if the fuel sold is not Diesel fuel, such other word or words descriptive of the type of fuel dispensed through such pump shall be prescribed by regulations promulgated by the Commissioner.

"G. S. 105-449.26. Invoices or delivery tickets.—Each sale of liquid fuel by a user-seller shall be evidenced by an invoice or delivery ticket with the name and address of the user-seller printed or stamped thereon and showing the name and address of the purchaser, date of purchase, number of gallons, price per gallon, tax per gallon, and total amount. One copy of such invoice shall be delivered to the purchaser at the time of sale, and a copy thereof shall be retained by the user-seller and preserved as other records are required to be preserved under this Article.

"(b) Not more than one original copy of any invoice for a single sale of fuel shall be prepared by any person. If an additional copy is required at any time, such copy shall be plainly marked 'Duplicate', and the number of the original ticket or invoice shall be indicated thereon.

"G. S. 105-449.27. Article 9 of Revenue Act made applicable.—All the provisions of Article 9 of Chapter 105 of the General Statutes, relating to general administration, penalties and remedies pursuant to the State Revenue Act, shall insofar as practicable, and except when in direct conflict with the provisions of this Article, be applicable with respect to this Article.

"G. S. 105-449.28. Retention of records by licensees.—Each licensee

shall maintain and keep for a period of two years such record or records of fuel received, produced, manufactured, refined, compounded, sold or used by such licensee together with invoices, bills of lading, and also such other pertinent records and papers as may reasonably be required by the Commissioner for the administration of this Article.

"G. S. 105-449.29. Inspection of records, etc.—The Commissioner or any deputy, employee or agent authorized by him may examine, during the usual business hours of the day, records, books, papers, storage tanks and any other equipment of any licensee, purchaser, refiner, fuel dealer or distributor, or common carrier pertaining to the quantity of fuel received, produced, manufactured, refined, compounded, used, sold, shipped or delivered, as the case may be, to verify the truth and accuracy of any statement, report or return or to asceratin whether the tax imposed by this Article has been paid.

"G. S. 105-449.30. Refund for non-highway use.—Any person who shall purchase fuel and pay the tax thereon pursuant to this Article and use the same for purposes other than to propel vehicles operated or intended to be operated on the highway irrespective of whether originally purchased for such non-highway use or not, shall, upon making application therefor as herein provided, be reimbursed at the rate of five cents (5c) per gallon. Such refund shall be paid only to persons who secure refund permits and otherwise comply insofar as practicable with the provisions of G. S. 105-446, relating to refunds, as modified by regulations of the Commissioner.

"G. S. 105-449.31. Refund where taxpaid fuels transported to another state for sale or use.—Any person, firm or corporation who purchases special fuels upon which the special fuels tax imposed by this Article has been paid and who subsequently exports the same to another state, for sale or use without this State and delivers the same without this State shall be entitled to a refund of the tax paid upon presentation to the Commissioner of an application for a refund setting forth the fact that such special fuels were transferred out of this State for sale or use, together with such other information as the Commissioner may require. For the purposes of this Section, 'exports' means transporting fuel out of this State in a cargo tank, tank car, barge, or barrel and does not include transporting fuel in any tank connected with or attached to the engine of a motor vehicle.

"G. S. 105-449.32. Rules and regulations; forms.—The Commissioner shall promulgate such reasonable rules and regulations and shall prescribe such forms as shall be necessary to effectuate and enforce the purposes of this Article.

"G. S. 105-449.33. Equipment of vehicle in which liquid fuel transported for sale or delivery.—No vehicle having attached thereto in a tank in which liquid fuel is transported for sale or delivery shall be equipped with any connection between the tank in which such fuel is transported for sale or delivery and the motor or fuel tank of the vehicle through which fuel may be supplied for consumption in the motor thereof.

"G. S. 105-449.34. Acts and omission declared to be misdemeanors;

penalties.—A person shall be guilty of a misdemeanor if he wilfully violates any of the provisions of this Article, a penalty for which is not otherwise provided, or if he shall:

(1) Wilfully fail or refuse to pay the tax imposed by this Article, or

(2) Engage in business in this State as a supplier or user-seller without being the holder of an uncancelled license to engage in such business, or

(3) Wilfully fail to make any of the reports required by this Article, or

(4) Make any false statement in any application, report or statement required by this Article, or

(5) Refuse to permit the Commissioner or any deputy to examine records as provided by this Article, or

(6) Fail to keep proper records of quantities of fuel received, produced, refined, manufactured, compounded, sold, used or delivered in this State as required by this Article, or

(7) Make any false statement on any delivery ticket or invoice as to the quantity of fuel delivered, sold or used; or make any false statement in connection with a report, or an application for the refund of any moneys or taxes provided in this Article.

"G. S. 105-449.35. Exchange of information among the states.—The Commissioner may, in his discretion, upon request duly received from the officials to whom are entrusted the enforcement of the use fuel tax laws of any other state, forward to such officials any information which the Commissioner may have in his possession relative to the production, manufacture, refining, compounding, receipt, sale, use, transportation or shipment by any person of such fuel.

"G. S. 105-449.36. July 1, 1955 inventory.—Every user-seller and every user who shall have on hand or in his possession any fuels shall take a true inventory of all such fuels on hand or in his possession as of 12:01 a.m., July 1, 1955, and shall on or before July 25, 1955, report to the Commissioner of Revenue the amount of such fuels on hand and shall pay to the Commissioner a tax of seven cents (7c) per gallon together with an inspection tax of one-fourth cent (¼c) per gallon. The reports required shall be in such form as may be prescribed by the Commissioner."

Sec. 2. (a) G. S. 105-435 is hereby amended by striking out all subsections thereof following subsection (b).

(b) Subsection (b) of said G. S. 105-435 is hereby amended by rewriting said subsection to read as follows:

"(b) Notwithstanding any provisions of subsection (a) to the contrary, the tax levied with respect to the special fuels therein described shall be collected in the manner and from the persons as set out in Article 36A of Chapter 105 of the General Statutes."

Sec. 3. Notwithstanding any other provisions of this Act, all provisions of G. S. 105-435 in effect immediately preceding the effective date of this Act shall continue in full force and effect with respect to all taxes, penalties

and interest due or becoming due with respect to any liability relating to any period before July 1, 1955.

Sec. 4. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

S. B. 324 CHAPTER 823

AN ACT TO COLLECT FUEL TAX FROM COMMERCIAL VEHICLES THAT NOW TRAVEL NORTH CAROLINA HIGHWAYS WHILE USING FUEL PURCHASED IN OTHER STATES AND FROM WHICH NORTH CAROLINA HAS RECEIVED NO HIGHWAY REVENUE.

The General Assembly of North Carolina do enact:

Section 1. Definitions.—Whenever used in this Article, the word "Commissioner" means Commissioner of Revenue except when the Commissioner of Motor Vehicles is specifically designated. Whenever used in this Article, the term "motor carrier" means every person, firm or corporation who operates or causes to be operated on any highway in this State any passenger vehicle, other than public school buses, that has seats for more than seven passengers in addition to the driver, or any road tractor, or any tractor truck, or any truck having more than two axles.

The word "operations", when applied to a motor carrier who transports passengers or property for compensation, means operations of all vehicles, whether loaded or empty, regardless of size or kind, for compensation.

The word "operations", when applied to a motor carrier who transports property not for compensation, means operations of all road tractors, tractor trucks, and trucks having more than two axles, whether loaded or empty, for the transportation of property into or out of or through this State.

Any motor carrier who operates or causes to be operated any such passenger vehicle, or any road tractor, or any tractor truck, or any truck having more than two axles on one or more days of any quarter of the year, as hereinafter described, is liable for the tax imposed by this Article for that quarter and is entitled to the credits allowed for that quarter.

Sec. 2. Tax levied.—A road tax for the privilege of using the streets and highways of this State is hereby imposed upon every motor carrier, which tax shall be equivalent to seven cents (7c) per gallon calculated on the amount of gasoline or other motor fuel used by such motor carrier in its operations within this State. Except as credit for certain taxes as hereinafter provided for in this Article, taxes imposed on motor carriers by this Article are in addition to any taxes imposed on such carriers by any other provisions of law. The tax herein levied is for the same purposes as the tax imposed under the provisions of G. S. 105-434.

Sec. 3. Credit for payment of motor fuel tax.—Every motor carrier subject to the tax hereby imposed shall be entitled to a credit on such tax equivalent to seven cents (7c) per gallon on all gasoline or other motor fuel purchased by such carrier within this State for use in operations

either within or without this State and upon which gasoline or other motor fuel the tax imposed by the laws of this State has been paid by such carrier. Evidence of the payment of such tax in such form as may be required by, or is satisfactory to, the Commissioner shall be furnished by each such carrier claiming the credit herein allowed. When the amount of the credit herein provided to which any motor carrier is entitled for any quarter exceeds the amount of the tax for which such carrier is liable for the same quarter, such excess may under regulations of the Commissioner be allowed as a credit on the tax for which such carrier would be otherwise liable for another quarter or quarters; or upon application within 180 days from the end of any quarter, duly verified and presented, in accordance with regulations promulgated by the Commissioner and supported by such evidence as may be satisfactory to the Commissioner, such excess may be refunded if it shall appear that the applicant has paid to another state under a lawful requirement of such state a tax on the use or consumption in said state of gasoline or other motor fuel purchased in this State, to the extent of such payment to said other state, but in no case to exceed the rate per gallon of the then current gasoline or other motor fuel tax of this State.

The Commissioner shall not allow such refund except after an audit of the applicant's records and shall audit the records of an applicant at least once a year.

Sec. 4. Refunds to motor carriers who give bond.—A motor carrier may give a bond in the amount of ten thousand dollars ($10,000.00) payable to the State and conditioned that the motor carrier will pay all taxes due and to become due under this Article. So long as the bond remains in force the Commissioner may order refunds to the motor carrier in the amounts appearing to be due on applications duly filed by the carrier under Section 3 without first auditing the records of the carrier. Such bond shall be in such form and with such surety or sureties as may be required by the Commissioner.

Sec. 5. Penalty for false statements.—Any person who wilfully and knowingly makes a false statement orally, or in writing, or in the form of a receipt for the sale of motor fuel, for the purpose of obtaining or attempting to obtain or to assist any other person, partnership or corporation to obtain or attempt to obtain a credit or refund or reduction of liability for taxes under this Article shall be guilty of a misdemeanor.

Sec. 6. Payment of tax.—For the purposes of making payment of taxes pursuant to this Article and making reports pursuant to this Article, the year is divided into four quarters of three consecutive months each, and the first quarter shall consist of the months of January, February and March. The tax herein imposed shall be paid by each motor carrier to the Commissioner on or before the twentieth day of the month immediately following the quarter with respect to which tax liability hereunder accrues and shall be calculated upon the amount of gasoline or other motor fuel used in its operations within this State by each such carrier during the quarter ending with the last day of the preceding month. A lessee of a motor vehicle, and not the lessor thereof, shall make such

reports and be liable for and pay such taxes as may become due under this Article with respect to all operations by a lessee pursuant to any lease of a motor vehicle.

Sec. 7. Taxes to be paid into State Highway and Public Works Fund.—All taxes collected pursuant to the provisions of this Article shall be paid into the State Highway and Public Works Fund.

Sec. 8. How amount of fuel used in State ascertained.—The amount of gasoline or other motor fuel used in the operations of any motor carrier within this State shall be such proportion of the total amount of such gasoline or other motor fuel used in its entire operations within and without this State as the total number of miles traveled within this State bears to the total number of miles traveled within and without this State.

Sec. 9. Reports of carriers.—Every motor carrier subject to the tax imposed by this Article shall on or before the twentieth day of April, July, October and January of every year make to the Commissioner such reports of its operations during the quarter of the year ending the last day of the preceding month as the Commissioner may require and such other reports from time to time as the Commissioner may deem necessary. When any person required to file a report as provided by this Article fails to file such report within the time prescribed by this Article, he shall be subject to a penalty of not more than fifty dollars ($50.00) for the first failure, and not more than one hundred dollars ($100.00) for any subsequent failure, and any penalty pursuant to this Section shall be assessed and collected by the Commissioner in the same manner as is provided in this Article with respect to any tax deficiency, and shall be subject to all other applicable provisions relating to the assessment and collection of taxes pursuant to this Article. However, motor carriers are not required to make any reports with respect to vehicles used exclusively in intrastate operations in this State except as the Commissioner may specifically from time to time require, but this is not to be construed to eliminate the requirements as to registration and identification markers with respect to all such vehicles as provided in Section 11 of this Act.

Sec. 10. Inspection of books and records.—The Commissioner and his authorized agents and representatives shall have the right at any reasonable time to inspect the books and records of any motor carrier subject to the tax imposed by this Article.

Sec. 11. Registration cards and vehicle identifications.—No motor carrier shall operate or cause to be operated in this State any vehicle listed or described in Section 1, and not excluded therein from the scope of this Act, unless and until he has secured from the Commissioner a registration card and an identification marker for such vehicle. The registration card shall be of such form and design as the Commissioner may prescribe. The registration card shall be carried in the vehicle for which it was issued at all times when the vehicle is in this State. The identification marker shall be in such form and of such size as the Commissioner may prescribe, and such marker may be either a plate,

sticker, or such other form of identification marker as the Commissioner may prescribe. Such identification marker shall be attached or affixed to the vehicle in the place and manner prescribed by the Commissioner so that the same is clearly displayed at all times. Each identification marker for a particular vehicle shall bear a number which number shall be the same as that appearing on the registration card for the same vehicle. The registration cards and markers herein provided for shall be issued on an annual basis as of January 1st each year and shall be valid through the next succeeding December 31st. However, the Commissioner, in his discretion, may authorize renewal of registration cards and identification markers without the necessity of issuing new cards and markers. All identification markers issued by the Commissioner shall remain the property of the State.

Sec. 12. Fees.—For issuing each registration card, a fee of one dollar ($1.00) shall be paid to the Commissioner and no registration card shall be issued unless the applicant pays such fee upon making application for the registration card. Such fees shall be paid into the State Highway and Public Works Fund.

Sec. 13. Temporary emergency operation.—In an emergency, the Commissioner, by letter or telegram, may authorize a vehicle to be operated without a registration card or identification marker for not more than ten days.

Sec. 14. Application blanks.—The Commissioner shall prepare forms to be used in making applications in accordance with this Article and the applicant shall furnish all information required by such forms.

Sec. 15. Violations declared to be misdemeanors.—Any person who operates or causes to be operated on any highway in this State any motor vehicle that does not carry the registration card that this Article requires it to carry, or any motor vehicle that does not display in such manner as is prescribed by the Commissioner the identification marker that this Article requires to be displayed, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars ($10.00) nor more than two hundred dollars ($200.00). Each day's operation in violation of any provision of this Section shall constitute a separate offense.

Sec. 16. Violators to furnish bond.—When any person is discovered in this State operating a vehicle in violation of the provisions of this Article, it shall be unlawful for anyone thereafter to operate said vehicle on the streets or highways of this State, except to remove it from the street or highway for purposes of parking or storing said vehicle, unless and until a bond in the amount of two hundred dollars ($200.00) is furnished to the Commissioner, in such form and with such surety or sureties as he may prescribe, conditioned on a proper registration card and identification marker being applied for within ten days and conditioned on the payment of any taxes found to be due pursuant to this Article.

Sec. 17. Other penalties.—Whenever it is discovered that any person has failed to pay the taxes or any part thereof due pursuant to this

Article, the Commissioner of Revenue is hereby authorized to make an assessment with respect thereto on the basis of the best information available and there shall be added to such assessment a penalty of twenty-five per cent (25%) thereof and interest at the rate of one-half of one per cent (½ of 1%) per month from the time said tax became due until paid. Except insofar as the same are in conflict herewith, all the provisions of Article 9 of Chapter 105 of the General Statutes, relating to general administration, penalties and remedies pursuant to the State Revenue Act, are hereby made applicable, insofar as practicable, with respect to this Article. The Commissioner of Revenue shall have the power, upon making a record of his reasons therefor, to reduce or waive any penalties provided for in this Article.

Sec. 18. Commissioner of Motor Vehicles made process agent of nonresident motor carriers.—The acceptance by a nonresident motor carrier of the rights and privileges conferred by the laws now or hereafter in force in this State permitting the operation of motor vehicles, as evidenced by the operation of a motor vehicle by such nonresident, either personally or through an agent or employee, on the public highways of this State, or the operation by such nonresident, either personally or through an agent or employee, of a motor vehicle on the public highways of this State other than as so permitted or regulated, shall be deemed equivalent to the appointment by such nonresident motor carrier of the Commissioner of Motor Vehicles, or his successor in office, to be his true and lawful attorney and the attorney of his executor or administrator, upon whom may be served all summonses or other lawful process or notice in any action, assessment proceeding or other proceeding against him or his executor or administrator, arising out of or by reason of any provisions of this Act relating to such vehicle or relating to the liability for tax with respect to operation of such vehicle on the highways of this State. Said acceptance or operation shall be a signification by such nonresident motor carrier of his agreement that any such process against or notice to him or his executor or administrator shall be of the same legal force and validity as if served on him personally, or on his executor or administrator. All of the provisions of G. S. 1-105 following the first paragraph thereof shall be applicable with respect to the service of process or notice pursuant to this Section.

Sec. 19. Commissioner of Motor Vehicles to aid in enforcement.—The Commissioner of Motor Vehicles is hereby authorized and directed to utilize the State Highway Patrol, uniformed officers assigned to the various permanent weighing stations of the Department of Motor Vehicles, and such other personnel of the Department of Motor Vehicles as he may deem wise, to assist in enforcing the provisions of this Article.

Sec. 20. Weigh station officers of Motor Vehicle Department; enforcement powers.—The uniformed officers assigned to the various permanent weighing stations of the Department of Motor Vehicles shall, in addition to the powers set out in G. S. 20-183.10, have the powers of peace officers, including the power of making arrests, serving process, and

appearing in court, in all matters and things relating to this Act and the administration and enforcement thereof.

Sec. 21. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 22. This Act shall become effective January 1, 1956.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 338 CHAPTER 824

AN ACT RELATING TO THE CONTROL OF HOG CHOLERA IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Purpose of Act.—It is the purpose and intent of this Act to safeguard the swine industry in North Carolina by a program designed to prevent the spread of Hog Cholera through unrestricted use of Virulent Hog Cholera Virus and to provide for the use of Modified Live Virus Vaccines that have been licensed as such by the Biological Products Licensing Section, Animal Inspection and Quarantine Branch, Agricultural Research Service of the United States Department of Agriculture, to empower the State Board of Agriculture to establish rules and regulations and the Commissioner of Agriculture to establish emergency rules and regulations for the movement of hogs into the State from other states, and to establish rules and regulations governing the sale and distribution of Virulent Hog Cholera Virus and to establish such other rules and regulations as may be necessary for carrying out the purposes of this Act.

Sec. 2. Use of Virulent Hog Cholera Virus prohibited without permit; quarantine; use of Modified Live Virus Vaccines.—Notwithstanding any other provisions of law, either general, public-local, special or private, and except as hereinafter provided, the use of Virulent Hog Cholera Virus in North Carolina is hereby prohibited. Virulent Hog Cholera Virus may be used to inoculate hogs of owners holding a permit authorizing such use and issued by the State Veterinarian or County Farm Agent; provided any County Farm Agent issuing such permits shall make a monthly report of same to the State Veterinarian. Swine owners or authorized agents of swine owners shall request a permit from the State Veterinarian or County Agent providing for the use of Virulent Hog Cholera Virus prior to the issuing of such permit. Any permit may be suspended or revoked by the State Veterinarian when the holder fails to comply with the law or rules and regulations governing the issuance and use of such permit. The State Veterinarian is authorized to permit or direct the use of Virulent Virus without requiring the owners of hogs to secure a permit in an area or areas in North Carolina in case of an outbreak or epizootic of Hog Cholera. Swine vaccinated with Virulent Virus shall be held in quarantine by the owner or authorized agent for 30 days, except as hereinafter provided. The State Veterinarian may issue permits to livestock market operators and swine owners under rules and regulations established by the State Board of Agriculture to move hogs vaccinated with Virulent Virus immedi-

ately and directly to approved locations within the State and into other States. Any owner or authorized agent holding a permit providing for the use of Virulent Virus shall keep an official quarantine sign posted on the premises where Virulent Virus is used for at least 30 days after each inoculation of swine with Virulent Virus: Provided, that Modified Live Virus Vaccines that have been licensed as such by the Biological Products Licensing Section, Animal Inspection and Quarantine Branch, Agricultural Research Service of the United States Department of Agriculture may be used without a permit. This Act shall not authorize the issuing of a permit for the use of Virulent Virus in any county or part of any county where the use of such Virus is prohibited by Statute.

Sec. 3. Unlawful to import hogs inoculated with Virulent Virus; exceptions for immediate slaughter; health certificate and permit required.—It shall be unlawful to bring hogs into North Carolina that have been inoculated with Virulent Virus less than 30 days prior to the date of entry, and in addition thereto the bringing in or importation of such hogs that have been inoculated with Virulent Virus must be accompanied with a health certificate and permit as required by the rules and regulation of the North Carolina Board of Agriculture and/or the emergency rules and regulations of the North Carolina Commissioner of Agriculture: Provided, that swine held in quarantine by the owner or authorized agent, as provided by Section 2 of this Act, and other swine may be imported into this State and transported within the State for the purpose of immediate slaughter where such importation and transportation is direct to slaughtering establishments, slaughtering centers and hog-buying stations in compliance with the rules and regulations of the North Carolina Board of Agriculture and emergency rules and regulations of the North Carolina Commissioner of Agriculture. The provisions of this Section shall not be construed to be in conflict with or to repeal any provisions of S. B. No. 218 of the Session of the General Assembly of 1955, or any other Statute and/or rule and regulation prohibiting, restricting and/or controlling the interstate movement of hogs for other reasons.

Sec. 3½. Provided this Act shall not apply to Bertie and Martin Counties.

Sec. 4. Penalties.—Any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and upon the first conviction shall be fined not less than fifty dollars ($50.00) or imprisoned in the discretion of the court. For a second offense, any such violator shall be fined not less than two hundred dollars ($200.00) or imprisoned in the discretion of the court, or both.

Sec. 5. Except as provided in this Act, all general, public-local, special or private laws and clauses of laws in conflict with this Act are hereby repealed; provided nothing in this Act shall apply to the Counties of Anson, Duplin, New Hanover, Pender, Union, Warren, Vance and Northampton.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 482 CHAPTER 825

AN ACT FIXING THE NUMBER OF DEPUTY SHERIFFS IN JACKSON COUNTY AND AUTHORIZING THE COUNTY COMMISSIONERS TO FIX THE NUMBER OF THE SALARIED EMPLOYEES OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Sheriff of Jackson County be and he is hereby authorized to appoint two salaried deputy sheriffs from the body of the county. These two deputies shall be in addition to the deputy sheriff who shall serve as jailer as provided by Section 9, Chapter 17, Session Laws of 1947, as rewritten by the first two sentences of Section 8, Chapter 532, Session Laws of 1951, and shall be in addition to any nonsalaried deputy sheriffs the sheriff may from time to time appoint.

Sec. 2. The Board of Commissioners of Jackson County is hereby authorized in its descretion to fix and determine the number of salaried employees which may be employed in the offices of the Clerk of the Superior Court, the Register of Deeds, the Sheriff and the Board of County Commissioners of the county; and to make regulations and rules as to hours of employment, sick leave and vacations for such salaried employees. This provision shall not apply to the elected officials of the county.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act, specifically including all of Chapter 1237, Session Laws of 1951 and the last sentence of Section 9, Chapter 17, Session Laws of 1947, as rewritten by Section 8, Chapter 532, Session Laws of 1951, are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 502 CHAPTER 826

AN ACT TO AMEND CHAPTER 902, SESSION LAWS OF 1953, RELATING TO THE FAYETTEVILLE SUPPLEMENTARY RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Section 28 of Article IV of Chapter 902, Session Laws of 1953, is amended by inserting between the first and second sentence thereof the following:

"Provided, however, that no member of the Fayetteville Supplementary Retirement System shall be eligible for retirement benefit before attaining the age of sixty-five (65) years so long as he or she is gainfully employed by the City of Fayetteville or any other employer."

Sec. 2. Any present member of the Fayetteville Supplementary Retirement System shall be permitted, upon written request to the Retirement Board, to receive a refund of all contributions made by said member, and terminate his or her membership.

Sec. 3. Eligibility for membership in the Fayetteville Supplementary

Retirement System shall close with the day of ratification of this amendment. There shall be no further or future increase in membership of the Fayetteville Supplementary Retirement System.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 756 CHAPTER 827

AN ACT TO CLARIFY THE LAW GOVERNING THE POSSESSION OF PERMISSIBLE QUANTITIES OF TAXPAID WHISKEY.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 18-49, Volume 1C of the General Statutes, by adding at the end of said Section the following:

"The possession of alcoholic beverages within the permissible quantity authorized by this Section shall not prohibit or prevent an indictment and prosecution for unlawful possession for the purpose of sale, unlawful sale, unlawful transportation or any unlawful act with reference to said whiskey. In any prosecutions where it appears that the defendant possesses taxpaid whiskey within the permissible quantity allowed by law but is being prosecuted on a charge of unlawful possession for the purpose of sale, unlawful sale, unlawful transportation or any other unlawful act with reference to said whiskey, if the State shall first offer evidence that the defendant possessed said whiskey and/or the defendant possessed glasses, bottles, jugs, pumps, bars, siphons or other equipment used in the business of selling intoxicating liquor which may be found at a place or places in the possession of or under the control and custody of the defendant, or the State first shows in evidence that such articles or paraphernalia have been found containing the odor of whiskey, then it shall be competent for the State to offer in evidence in support of said charge the general character or reputation of the defendant for dealing in or handling illegal whiskey."

Sec. 2. This Act shall apply to Haywood County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 878 CHAPTER 828

AN ACT REQUIRING PRISONERS OF McDOWELL COUNTY TO PAY CHARGES FOR BOARD AND LODGING.

The General Assembly of North Carolina do enact:

Section 1. Each prisoner imprisoned in the jail in McDowell County shall be charged with an amount per day for board and lodging, to be fixed

by the board of county commissioners of said county, all of which shall be taxed in the bill of cost of the prisoner and paid into the general fund of McDowell County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 880 CHAPTER 829

AN ACT TO REPEAL CHAPTER 629 OF THE SESSION LAWS OF 1953 RELATING TO THE OPERATION OF THE JAIL IN MCDOWELL COUNTY, AND TO PROVIDE FOR A CLERICAL ASSISTANT FOR THE SHERIFF OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of McDowell County shall have the authority and it shall be its duty to pay an office deputy or clerical assistant to the sheriff, to be selected and appointed by the Sheriff of McDowell County, a salary to be by said board fixed in its discretion in an amount not less than fifty dollars ($50.00) per month and not more than one hundred dollars ($100.00) per month, payable monthly from the general funds of the county.

Sec. 2. Chapter 629 of the Session Laws of 1953 is hereby repealed.

Sec. 3. The Sheriff of McDowell County shall have the care and custody of the jail in his county; and shall be, or appoint, the keeper thereof in accordance with General Statutes 162-22.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 959 CHAPTER 830

AN ACT AMENDING CHAPTER 650, SESSION LAWS OF 1947, AS AMENDED, RELATING TO THE DISTRIBUTION OF PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 650, Session Laws of 1947, as amended by Chapter 461, Session Laws of 1951, and which rewrites Section 2 of Chapter 585, Session Laws of 1937, be and the same is hereby again rewritten to read as follows:

"Sec. 2. The County of Rowan, the City of Salisbury, and the other municipalities in Rowan County shall expend at least twenty-five per cent

(25%) of the alcoholic beverage control stores profits received by them for debt service, retirement of bonds, and to reduce the tax rate. The remaining alcoholic beverage control store profits received by Rowan County, the City of Salisbury, and the other municipalities in Rowan County may be expended for the following purposes only: Public welfare, free hospital beds for the poor, hospital building funds, public libraries, public recreation and youth development and benefit projects, as appropriations to county and city boards of education for supplements to public school lunch funds and supplements for the salaries of teachers, public safety, public health, public sanitation and public buildings and equipment."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 982 CHAPTER 831

AN ACT TO AMEND CHAPTER 195 OF THE PUBLIC LAWS OF 1933 SO AS TO MAKE THE SAME APPLICABLE TO GUILFORD COUNTY AND TO THE MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 195 of the Public Laws of 1933 is amended by striking out the proviso contained in said Section.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 993 CHAPTER 832

AN ACT TO AMEND CHAPTER 447 OF THE SESSION LAWS OF 1945 AUTHORIZING THE BOARD OF COMMISSIONERS OF DARE COUNTY TO MAKE APPROPRIATIONS FOR COUNTY ADVERTISING FROM NONTAX FUNDS.

The General Assembly of North Carolina do enact:

Section 1. Section 1, of Chapter 447, of the Session Laws of 1945, is amended by striking out in lines 4 and 5, of said Section, the words and figures "three thousand dollars ($3,000.00)" and inserting in lieu thereof the words and figures "seven thousand dollars ($7,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1032 **CHAPTER 833**

AN ACT FIXING THE COMPENSATION OF THE CLERK AND DEPUTY CLERKS OF THE SUPERIOR COURT OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Clerk of the Superior Court of Cherokee County shall receive, in lieu of all fees and commissions, as compensation for his services, including his services as judge of the juvenile court and clerk of the recorder's court of said county, an annual salary of four thousand four hundred dollars ($4,400.00).

Sec. 2. Said Clerk of the Superior Court may employ such deputies or assistants as he may find necessary to assist him in the performance of his duties, and the County Commissioners of Cherokee County are hereby authorized and directed to pay the salaries of such deputies and assistants in an amount not exceeding two thousand dollars ($2,000.00) per annum.

Sec. 3. All laws and clauses of laws, including Chapter 76, Session Laws of 1949 and Chapter 855, Session Laws of 1951, in conflict with the provisions of this Act are hereby repealed.

Sec. 4. The salaries authorized by this Act shall be paid from and after April 1, 1955, and this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1046 **CHAPTER 834**

AN ACT TO AMEND SENATE BILL 265 RELATING TO THE SALARIES AND FEES OF CERTAIN OFFICIALS IN RANDOLPH COUNTY, WHICH SAID BILL WAS RATIFIED APRIL 13, 1955.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Senate Bill 265, as the same was ratified April 13, 1955, is hereby amended by striking out the words "except as provided in Section 7 of this Act" as they appear in the last two lines of said Section and by changing the comma after the word "whatsoever" in the next to the last line of said Section to a period.

Sec. 2. Further amend Section 7 of Senate Bill 265 by changing the period after the last word in the Section to a semicolon and by adding thereafter the following:

"provided, that the fee herein authorized shall be paid into the general fund of the county."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective July 1, 1955.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1071 CHAPTER 835

AN ACT TO PROVIDE FOR THE APPOINTMENT OF ONE CHIEF DEPUTY SHERIFF FOR SWAIN COUNTY AND FOR HIS COMPENSATION.

The General Assembly of North Carolina do enact:

Section 1. That the Sheriff of Swain County is hereby authorized and empowered to name and appoint one Chief Deputy Sheriff for Swain County, whose term of office shall continue at the pleasure but not beyond the term of office of the Sheriff appointing him.

Sec. 2. That the compensation to be paid to said Chief Deputy Sheriff for his service as such shall be fixed, from time to time, by the Board of Commissioners of Swain County and paid out of the general funds of said county.

Sec. 3. That the Sheriff of Swain County may name and appoint, from time to time, as many other Deputy Sheriffs as in his judgment may be necessary to properly conduct the functions of his office, provided that no part of their compensation shall be paid by the County of Swain.

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1078 CHAPTER 836

AN ACT TO AUTHORIZE THE TOWN OF FRANKLINTON, IN FRANKLIN COUNTY, NORTH CAROLINA, TO SUBMIT THE QUESTION OF ADOPTING THE CITY MANAGER FORM OF GOVERNMENT TO THE VOTERS AT A SPECIAL MUNICIPAL ELECTION TO BE CALLED BY THE GOVERNING BODY OF THE TOWN OF FRANKLINTON.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the Town of Franklinton, in Franklin County, North Carolina, be, and it is hereby authorized and empowered to submit to the voters of the Town of Franklinton, by means of a special municipal election to be called for said purpose, the question of the adoption by said Town of Franklinton of the city manager form of government, as provided in Part 4 of Article 22, Chapter 160, Volume 3C of the General Statutes of North Carolina, designated therein as "Plan D". It shall not be necessary nor shall it be required that a petition signed by twenty-five per cent (25%) of the qualified voters of said town be presented to any County Board of Elections or to the governing authority of the Town of Franklinton order for said special election to be called for the purpose of submitting said plan of government, and the governing body or authority of the Town of Franklinton

may, in its discretion, call said special election and submit said "Plan D" form of city government to the qualified voters to all intents and purposes as if said petition had been signed and presented.

Sec. 2. That the governing body or governing authority of the Town of Franklinton shall submit the question of the adoption of "Plan D" form of government, which provides a city manager, mayor and city council, as set forth in Part 4 of Article 22 of Chapter 160, of Volume 3C of the General Statutes of North Carolina, at such time as in its discretion the governing body or governing authority of the Town of Franklinton shall deem or consider it best and appropriate for the purpose. The form of the ballot shall contain such language or descriptive matter as shall substantially show to any elector that he is voting for the said "Plan D" form of city government, as herein referred to, or that he is voting against or for the rejection of same. The form of the ballot may contain the language for a special municipal election when only one plan is submitted, as set forth in G. S. 160-301, or it may contain such other language or descriptive matter as to sufficiently present to electors voting in said special election a choice as to the adoption or rejection of said "Plan D" form of government, above referred to. The said special election shall be regulated, conducted and canvassed in all respects as the regular biennial elections of municipal officers in said Town of Franklinton are now held and conducted, and said special election may be called and held irrespective of any limitations of time or number of days before or subsequent to any other general or special election.

Sec. 3. That if the governing body or governing authority of said Town of Franklinton shall call said special election, and if a majority of votes cast in said election shall favor the adoption of "Plan D", hereinbefore referred to, then and in that event all of the provisions of Part 3, Article 21, and Part 4, Article 22, of Chapter 160 of the General Statutes of North Carolina, Volume 3C, shall be applicable to the Town of Franklinton, and the charter of said town shall be amended accordingly. Provided, however, that the election of councilmen to constitute the governing body of the said town under the new form of government shall take place at the time of the regular municipal election of the Town of Franklinton under the present law, which time shall be the first time of election under the present law subsequent to the special election in which said "Plan D" is adopted and at that time the government designated as "Plan D" shall become effective and operative according to said election.

Sec. 4. That this Act shall apply only to the Town of Franklinton, in Franklin County, North Carolina, and all laws and clauses of laws in conflict with the provisions of this Act are to the extent of this conflict hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1084 **CHAPTER 837**

AN ACT FIXING THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY, AND AUTHORIZING THE BOARD OF COMMISSIONERS OF SAID COUNTY TO FIX THE COMPENSATION OF CERTAIN COUNTY OFFICERS AND TO SELECT THE CLERK OF THE BOARD.

The General Assembly of North Carolina do enact:

Section 1. That the Chairman of the Board of Commissioners of Lincoln County shall receive a salary of sixty dollars ($60.00) per month and the other members of the Board of Commissioners of Lincoln County shall each receive a salary of fifty dollars ($50.00) per month, such salaries to be paid from the general fund of the county.

Sec. 2. The Board of Commissioners of Lincoln County is authorized and empowered in its discretion to fix the salary of the Clerk of the Superior Court of said county at four thousand eight hundred dollars ($4,800.00) per year. Said board is authorized and empowered to fix the salary of the register of deeds of said county at four thousand five hundred dollars ($4,500.00) per year. Said board is authorized and empowered to fix the salary of the sheriff of said county at three thousand three hundred dollars ($3,300.00) per year. In addition, said board of commissioners is hereby authorized and empowered to fix an expense allowance for the sheriff of one thousand five hundred dollars ($1,500.00) per year. All the salaries and the expense allowance provided for in this Act shall be payable from the general fund of the county in equal monthly installments.

The salaries and expense allowance fixed by this Act may be increased or decreased from time to time by the Board of Commissioners of Lincoln County, but such salaries and expense allowance shall not be reduced nor increased more than twenty per cent (20%) during any fiscal year.

Sec. 3. The Board of Commissioners of Lincoln County is authorized and empowered in its discretion to select the clerk of the board.

Sec. 4. This Act shall apply to Lincoln County only.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1088 **CHAPTER 838**

AN ACT RELATING TO CERTAIN CHANGES IN THE FEES OF THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of the Superior Court of Hyde County shall receive the following fees:

Petition filing and affidavit	$1.00
Summons on original process	1.50
Duplicates, each	.50
Docketing original process	.50
Docketing ex parte proceedings	.75
Bond	1.00
Justification of sureties, each	.50
Justification of sureties on any bond	.50
Order of arrest	1.50
Motions, each	.50
Notices, each	.50
Notices, each additional name	.25
Affidavits, each	.50
Certificates, each	.50
Swearing witness and juror, each	.25
Orders, each	.50
Continuances, each	.50
Subpoena, each name	.25
Judgment by Clerk, each	1.50
Judgment before Clerk and appeal	1.50
Letters of guardianship	1.50
Letters of guardian ad litem	1.50
Letters of administration	1.50
Probate of will and letters	3.00
Caveat to will	3.00
Judgment for year's support	1.50
Issuing writ of dower, oath of executors, etc.	.50
Docketing judgment	.50
Indexing judgment	.25
Appeal	1.00
Docketing appeal	.50
Execution	1.00
Filing papers, each	.25
Preparing bill cost	.50
Docketing on lien docket	5.00
Advance cost for civil action	10.00
Claim & delivery proceeding	6.50
Habeas corpus	5.00
Foreclosure proceeding	3.00
Proceeding to declare person incompetent	5.00

Proceeding to declare person competent	5.00
Searching records	1.00
Pistol permit	1.00
Partnership or trading under assumed name, Certificate or amendment of corporation	4.50
Commitment of inebriety or drug addict	5.00

BILL OF COSTS IN CRIMINAL CASES

Indictment, each defendant in bill	1.00
Capias, each defendant when arrested	1.50
Subpoena, each name	.25
Filing papers	.20
Taking bond, including justification	1.00
Continuance	.50
Empanelling jury	.25
Motion, entry and record of, each	.50
Certificate	.50
Affidavit with jurat	.50
Indexing judgment	.25
Judgment nisi	.50
Appeal to Supreme Court, including certificate and seal	3.00
Original summons, or other process including names therein	1.50
Every copy of the same	.50
Bond, including justification	1.00
Appeal from justice	.50
Appeal from Clerk to Judge	1.00
Order for enlarging time of pleading	.50
Interlocutory order	.50
Attachment, order in	1.50
Injunction order, including bond and justification	1.50
Order of arrest	.25
Continuance	.50
Caveat to a will, entering and docketing	3.00
Affidavit, including jurat and certificate	.50
Motion, entry and record of	.50
Notice	.50
Notice, for each name over one in same paper	.25
Empanelling jury	.25
Judgment final in term time	1.50
Judgment final before Clerk	1.00
Judgment in favor of widow's year's support	1.00
Docketing ex parte proceedings	.50
Docketing summons	.50
Indexing judgment	.25
Filing papers	.25
Preparing bill of costs	.50
Transcript of judgment	1.50
Execution of sheriff's return	1.00
Certifying return of execution	.50

Appeal to Supreme Court, including certificate and seal 3.00
Transcript to Supreme Court—copy sheet ..... .25
Appeal from Juvenile Court at Superior Court 1.50
Inquisition of lunacy 5.00

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1089 CHAPTER 839

AN ACT RELATING TO FEES OF THE REGISTER OF DEEDS OF HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Register of Deeds of Hyde County shall receive the following fees:

Deeds
Form Deed ..... $1.75 (includes probate fee)
Typewritten ..... .75 for first page and .50 for each additional page.
Torrenized Transfer ..... same as deeds
Deeds of Trust
Form Deeds of Trust $2.75
Typewritten ..... same as deeds
Note ..... .75 plus probate fee
Chattel Mortgage 1.00
Crop Lien and Chattel Mortgage 1.00
Washington Production Credit Assoc. Crop Liens 1.25
Deeds of Trust 2.25
Birth Certificates ..... .50
Marriage Certificates 1.00

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1093 CHAPTER 840

AN ACT AMENDING G. S. 162-7 RELATING TO CERTAIN FEES OF THE SHERIFF OF MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 162-7, as the same appears in Volume 3C of the General Statutes and the 1953 Supplement thereto, be and the same is hereby amended by adding at the end thereof the following:

"The Sheriff of Macon County and the constables for the various townships in said county shall collect the following fees: For serving summons in civil actions or special proceedings, and serving all civil notices and citations, two dollars ($2.00) for each defendant or person, firm or corporation served; for serving subpoena, seventy-five cents (0.75) for each person served."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1095 CHAPTER 841

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE CITY OF HIGH POINT TO DETERMINE WHETHER OR NOT ALCOHOLIC BEVERAGE CONTROL STORES SHALL BE ESTABLISHED IN SAID CITY AND TO PRESCRIBE THE METHOD OF OPERATION AND THE DISPOSITION OF THE NET PROFITS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The Council of the City of High Point may on its own motion, and shall upon a petition to said council signed by at least fifteen per cent (15%) of the registered and qualified voters of the City of High Point, order an election to be held on the question of whether or not city Alcoholic Beverage Control Stores may be operated in the City of High Point, and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for Alcoholic Beverage Control Stores to be set up and operated in the City of High Point, but if a majority of the votes cast in said election shall be against the operation of said Alcoholic Beverage Control Stores, no such stores shall be set up or operated in the City of High Point under the provisions of this Act.

Sec. 2. The City Council of the City of High Point may submit the question hereinabove mentioned and call a special election for the purpose of submitting said question on or after June 5, 1955. In the event said special election is called the same shall be held and conducted on the date fixed by the City Council of the City of High Point. A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register in said Alcoholic Beverage Control election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For City Alcoholic Beverage Control Stores", "Against City Alcoholic Beverage Control Stores". Those favoring setting up and operating Alcoholic Beverage Control Stores in the City of High Point shall mark in the voting square to the left of the words, "For City Alcoholic Beverage Control Stores", printed on the ballot and those opposed to City Alcoholic Beverage Control Stores shall mark in the voting square to the

left of the words, "Against City Alcoholic Beverage Control Stores". Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to general elections for the City Council of the City of High Point, and the cost thereof shall be paid from the General Fund of the City of High Point.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against City Alcoholic Beverage Control Stores", the City Alcoholic Beverage Control Board shall within three months from the canvassing of such votes and the declaration of the results thereof, close said stores and shall thereafter cease to operate the same, and within said three months the City Control Board shall dispose of all alcoholic beverages on hand, all fixtures and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the city treasurer. Thereafter, all public, public-local and private laws applicable to the sale of intoxicating beverages within said City of High Point in force and effect prior to the authorization to operate city Alcoholic Beverage Control Stores shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of the Act in which a majority of the votes shall be cast "For City Alcoholic Beverage Control Stores". No election shall be called and held in the City of High Point under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the City Council of the City of High Point to order the Alcoholic Beverage Control election on its own motion or within sixty (60) days after a petition shall have been presented, filed and signed by at least fifteen per cent (15%) of the registered and qualified voters of the City of High Point requesting the same.

Sec. 4. If the operation of city Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the City Council of the City of High Point shall immediately create a City Board of Alcoholic Control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The City of High Point Board of Alcoholic Control". The members and chairman of said board shall be designated by the mayor and governing body of the city and the member designated as chairman shall serve for his first term a period of three years. As to the other members, one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year; and all terms shall begin with the date of their appointment. Thereafter, as the terms of the chairman and members expire, their successors in office shall serve for terms of three years each, and until their successors are appointed and qualified. Any vacancy shall be filled by the city council for the unexpired term. Compensation of the members of said City Board of Alcoholic Control shall be fixed by the City Council of the City of High Point.

Sec. 5. The said City of High Point Board of Alcoholic Control shall

have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 13-39 of the General Statutes. The said City of High Point Board of Alcoholic Control and the operation of any city Alcoholic Beverage Control Stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes of North Carolina except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" board of alcoholic control appears in said Article, it shall include the City of High Point Board of Alcoholic Control. The City of High Point Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem wise and fix their compensation.

Sec. 6. Out of the net revenue remaining after the payment of all costs and operating expenses and after retaining a sufficient and proper working capital, the City of High Point Board of Alcoholic Control shall expend an amount as necessary for law enforcement purposes of not less than five (5%), nor more than fifteen (15%), per cent, which amount would supplement and not supplant the amount usually budgeted for such purposes from the General Fund of the City of High Point.

(a) From such profits as thereafter remain, the city council shall retain seventy-five per cent (75%) thereof, and, to the extent it can reasonably and beneficially do so, provide for educating the public as to the adverse effects of alcohol and for the treatment and rehabilitation of alcoholics and for means of preventing and curtailing the consumption of alcohol.

(b) Should there be revenue remaining after the above described distribution, the city council shall use such funds for improvement of library and recreational facilities, and programs which would be designed to prevent and curtail the consumption of alcohol, provided such revenue shall not be used or intended to supplant the amount usually budgeted for these purposes from the General Fund of the City of High Point.

(c) Any remaining revenue would be accumulated in the special ABC fund.

(d) Twenty-five per cent (25%) of the net profits remaining after the deduction of all costs and operating expenses and amounts retained for law enforcement purposes shall be apportioned and paid quarterly to Guilford County and shall be expended by the board of county commissioners of said county to supplement appropriations made by said board for public purposes, and shall not be used to supplant amounts usually appropriated and budgeted for such purposes from the general fund of said county. Such funds so apportioned to Guilford County shall not be used for general administrative or operating expenses of said county.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1098 CHAPTER 842

AN ACT AUTHORIZING THE CANTON CITY BOARD OF EDUCATION, IN ITS DISCRETION, TO TRANSFER ITS INTEREST IN A CERTAIN WATER PIPE LINE TO THE TOWN OF CANTON.

WHEREAS, the Canton Mutual Water Association and the Canton City Board of Education have entered into a contract for the joint construction of an eight inch water pipe line along the North side of old United States Highway 19-23 for a distance of approximately four thousand feet in order to provide a more adequate water supply for the Patton School, one of the public schools of the Canton City Administrative Unit; and

WHEREAS, Canton Mutual Water Association has transferred its interest in said water pipe line to the Town of Canton; and

WHEREAS, it may be to the advantage of the Canton public schools that the interest of the Canton City Board of Education be transferred to the Town of Canton in consideration of an agreement on the part of the town to maintain said water line and to furnish an adequate supply of water to said Patton School upon terms to be agreed upon by the parties: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G. S. 115-86, or of any Statewide legislation, which may be passed at this Session of the General Assembly, relating to the sale of school property, the Canton City Board of Education is hereby authorized and empowered in its discretion to transfer its interest in the water pipe line described in the preamble to this Act to the Town of Canton upon such terms as may be mutually agreed upon between said board of education and said town.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1103 CHAPTER 843

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF BERTIE COUNTY TO SELL CERTAIN FARM PROPERTY OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Bertie County is authorized and empowered to sell at private sale such part or parts of the Bertie County Farm as may be determined from time to time by the said board of county commissioners as not profitable for operating as a farm.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1104 CHAPTER 844

AN ACT TO AUTHORIZE THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF WINDSOR TO SELL A CERTAIN LOT BELONGING TO TOWN OF WINDSOR.

The General Assembly of North Carolina do enact:

Section 1. The Mayor and Board of Commissioners of the Town of Windsor are hereby authorized and empowered to sell at private sale that certain lot in the Town of Windsor purchased from the Windsor Fire Department.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1109 CHAPTER 845

AN ACT TO AMEND G. S. 15-5 TO FIX THE MAXIMUM FEE TO BE ALLOWED COUNSEL ASSIGNED TO DEFEND IN CAPITAL CASES IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 15-5 be amended to read as follows:

"Whenever an attorney is appointed by the judge to defend a person charged with a capital crime, he shall receive such fee for performing this service as the judge may allow, not to exceed one hundred dollars ($100.00); but the judge shall not allow any fee until he is satisfied that the defendant charged with the capital crime is not able to employ coun-

sel. The fee so allowed by the judge shall be paid by the county in which the indictment was found."

Sec. 2. That this Act shall not apply to pending litigation.

Sec. 3. That this Act shall apply only to Bladen County.

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1112 CHAPTER 846

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY TO FIX THE FEES TO BE CHARGED BY VARIOUS COUNTY OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Union County is authorized to fix, in its discretion, all fees and commissions which may be charged by the Register of Deeds, the Clerk of the Superior Court, the Clerk of the Recorder's Court, the Sheriff, the Coroner and Justices of the Peace of said county for the performance of any duty permitted or required by law to be performed by such officers. Such fees and commissions may be fixed from time to time and once fixed may be changed at any time. Action to fix such fees and commissions shall be taken by resolution of the Board of County Commissioners and until the said board takes such action to fix any fees or commissions such fee or commission as is now authorized by law shall continue to be charged.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1114 CHAPTER 847

AN ACT AMENDING H. B. 406, RATIFIED ON MARCH 25TH 1955, FIXING THE FEES TO BE CHARGED BY CERTAIN OFFICIALS OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 4 of H. B. 406, ratified on March 25th 1955, be and the same is hereby amended by striking therefrom the words and figures "Order of Arrest—$1.00", and substituting in lieu thereof the words and figures "Order of Arrest—$2.00".

Sec. 2. That Section 5 of H. B. 406, ratified on March 25th 1955, be

and the same is hereby amended by striking therefrom the following words and figures:

"Attachment with one defendant—$1.00; Summons—50c; Trial when issues are joined—$1.00; if no issues are joined, for Trial and Judgment —50c; Warrant of Arrest in criminal and bastardy cases, including Affidavit and Complaint—$1.00", and substituting in lieu thereof the following words and figures:

"Attachment with one defendant—$2.00; Summons—$1.00; Trial when issues are joined—$2.00; if no issues are joined, for Trial and Judgment— $2.00; Warrant of Arrest in criminal and bastardy cases, including Affidavit or Complaint,—$2.00."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1123 CHAPTER 848

AN ACT RELATING TO JOINT OPERATION OF RADIO EQUIPMENT FOR THE TOWN OF MARION AND THE COUNTY OF MCDOWELL.

WHEREAS, the County of McDowell and the Town of Marion jointly own certain radio equipment which is being jointly used for the benefit of the Police Department of the Town of Marion and the Sheriff's Department of McDowell County; and

WHEREAS, the said county and town desire to provide for the more efficient operation of the said equipment: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of McDowell County shall employ at least one operator, and the Town of Marion shall employ at least one operator, whose duty it shall be to operate the radio control station. The cost of maintenance and operation of said station shall be borne equally and jointly by McDowell County and the Town of Marion. The compensation of such operators shall be fixed by the governing board of the county or town for or by which such operators are employed, and said compensation shall be paid from the general fund of the county and town.

Sec. 2. That the county's part of said radio operation shall be under the exclusive supervision of the Sheriff of McDowell County and the town's part in said operation shall be under the supervision and direction of the Chief of Police of Marion or such other person as the board of aldermen may designate.

Sec. 3. Nothing contained in this Act shall prohibit or prevent the Town of Marion or the Sheriff of the County of McDowell, with the approval of the board of county commissioners, from employing other additional operators as shall be deemed necessary by the county or town.

Sec. 4. The said town and county shall pay the cost of operating and maintaining the mobile equipment owned by each governing unit.

Sec. 5. The town shall have the right to make such use of the control station as it deems necessary or advisable, and the Sheriff of McDowell County shall make such use of said control station as he deems necessary or advisable.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. B. 1124 CHAPTER 849

AN ACT TO AMEND CHAPTER 630 OF THE SESSION LAWS OF 1953 RELATING TO THE COMPENSATION OF CERTAIN OFFICIALS IN MCDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 630 of the Session Laws of 1953 is amended by striking out in line four of said Section the words and figures "thirty-six hundred dollars ($3600.00)", and inserting in lieu thereof the words and figures "forty-six hundred dollars ($4600.00)". Said Section is further amended by striking out in lines four and five the words and figures "forty-eight hundred dollars ($4800.00)", and inserting in lieu thereof the words and figures "fifty-two hundred dollars ($5200.00)".

Sec. 2. Section 2 of Chapter 630 of the Session Laws of 1953 is amended by striking out in lines three and four the words and figures "twenty-eight hundred dollars ($2800.00)", and inserting in lieu thereof the words and figures "thirty-four hundred dollars ($3400.00)".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

S. B. 351 **CHAPTER 850**

AN ACT TO AMEND CHAPTERS 57 AND 58 OF THE GENERAL STATUTES RELATING TO QUALIFICATIONS OF INSURANCE ADJUSTERS, AGENTS AND GENERAL AGENTS; THE ADVERTISING AND ISSUANCE OF POLICIES, CERTIFICATES OR SERVICE PLANS; AND THE IMPOSITION OF CIVIL PENALTIES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 58-41, Volume 2B, Cumulative Supplement of 1953, is hereby rewritten so that the same shall hereafter read as follows:

"(b) Meet residence requirements as follows:

(1) For insurance adjusters: Be a bona fide resident of and actually reside in this State except as provided in § 58-51.2 of the General Statutes.

(2) For agents and general agents: Be a bona fide resident of and actually reside in this State for a period of twelve (12) months next preceding the date when he applies for license, except as provided in § 58-43 of the General Statutes: Provided, however, that the said twelve-month (12) waiting period shall not apply if the applicant for license files a good and sufficient bond of one thousand dollars ($1,000.00) with the Commissioner of Insurance, which bond shall be subject to forfeiture upon a finding by the Commissioner of Insurance that the licensed person or agent has moved his domicile or residence from this State within the period of the year for which license was issued; provided, however, that no such agent shall be required to file more than one bond under this Section, irrespective of the number of licenses issued to him or the number of companies he may represent. Upon such forfeiture, the Commissioner of Insurance shall pay said penal amount of such bond to the Board of Education of the county where the agent resided. The provisions of this paragraph shall also be applicable to the agents of hospital and medical service corporations operating under Chapter 57 of the General Statutes, as amended."

Sec. 2. G. S. 58-43, Volume 2B, is hereby amended by rewriting the first sentence of said Section so that said first sentence shall hereafter read as follows:

"No nonresident of the State shall be licensed as an agent to do business in the State except as a special agent or organizer, and except as an agent licensed to sell life insurance and annuities only, and then only when he reports his business as North Carolina business to some general or district agent of his company in the State, or having territory within the State."

Sec. 3. Amend G. S. 58-54.4 by adding at the end thereof a new subsection, to be designated as subsection "(9)", which new subsection shall read as follows:

"(9) In all advertising of policies, certificates or service plans of health, accident or hospitalization insurance, except those providing group coverage, where details of benefits provided by a particular policy, certi-

ficate or plan are set forth in any advertising material, such advertising material shall contain reference to the major exceptions or major clauses limiting or voiding liability contained in the policy, certificate or plan so advertised. The references to such exceptions or clauses shall be printed in a type no smaller than that used to set forth the benefits of the policy, certificate or plan. In all advertising of such policies, certificates or plans which contain a cancellation provision or a provision that the policies, certificates or plans may be renewed at the option of the company or medical service corporation only, such advertising material shall contain clear and definite reference to the fact that the policies, certificates or plans are cancellable or that the same may be renewed at the option of the company only."

Sec. 4. Amend G. S. 58-51, Volume 2B, Cumulative Supplement of 1953, by adding at the end of said Section the following:

"In addition to the bond requirements of G. S. 58.41, subsection (b) (2), all agents licensed to sell accident, health or hospitalization insurance in this State or certificates or service plans of medical service corporation shall be required to file with the Commissioner of Insurance a bond in the amount of five hundred dollars ($500.00), which shall be subject to forfeiture in whole or in part upon a finding made by the Commissioner of Insurance that such agent has wilfully misrepresented the terms of an accident, health or hospitalization insurance policy, or service plan or certificate of a medical service corporation, offered for sale; provided, however, that no such agent shall be required to file more than one bond under this Section, irrespective of the number of licenses issued to him or the number of companies he may represent. Upon such forfeiture being made final by the Commissioner of Insurance or his authorized deputy, the forfeiture shall be paid to the board of education of the county of the agent's residence."

Sec. 5. Article 26 of Volume 2B of the General Statutes, as the same appears in the 1953 Supplement thereto, is hereby amended by adding immediately after §58-251.1, as the same appears in the said Article in the said Cumulative Supplement, a new Section to be designated as "§58-252" which shall read as follows:

"At the time of issuing any new policy of individual or family hospitalization insurance or individual accident and health insurance to insureds over age sixty-five (65), the term 'pre-existing conditions', or its equivalent in said policy shall include only conditions specifically eliminated by rider."

Sec. 6. G. S. 58-257, Volume 2B, as the same appears in the Cumulative Supplement of 1953, is hereby amended by rewriting the first sentence of subsection (a) so that said first sentence of said subsection (a) shall hereafter read as follows:

"On and after January 1, 1956, each individual or family accident, health, hospitalization policy, certificate or service plan of hospitalization and medical service corporations shall be issued only on application in writing signed by the insured or the head of the household or guardian. Each application shall also contain the certificate of the agent that he

has truly and accurately recorded on the application the information supplied by the insured. Every policy subject to the provisions of this Section shall contain as a part of such policy the original or a reproduction of the application required by this Section. This Section shall not apply to travel or dread disease policies or to policies issued pursuant to a group insurance conversion privilege."

Sec. 7. Amend G. S. 57-3 of Volume 2B by adding at the end of said Section the following:

"On and after January 1, 1956, all certificates, plans or contracts issued to subscribers or other persons by hospital and medical service corporations operating under Chapter 57 of Volume 2B of the General Statutes shall contain a provision as follows: 'After two years from the date of issue of this certificate, contract or plan no misstatements, except fraudulent misstatements made by the applicant in the application for such certificate, contract or plan, shall be used to void said certificate, contract or plan, or to deny a claim for loss incurred or disability (as therein defined) commencing after the expiration of such two-year period. No claim for loss incurred or disability (as defined in the certificate, contract or plan) commencing after two years from the date of issue of this certificate, contract or plan shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specifically described, effective on the date of loss, had existed prior to the effective date of coverage of this certificate, contract or plan'."

Sec. 8. Amend G. S. 58-251.1, Volume 2B, as the same appears in the Cumulative Supplement of 1953 thereof, by striking out the word "three" in the first line of subparagraph *a* of paragraph (2) of subsection (a) of said Section and by inserting in lieu thereof the word "two"; and by striking out the word "three" in the fifth line of said subparagraph *a* of said paragraph and subsection of said Section and by inserting in lieu thereof the word "two"; and by striking out the word "three" in the eighth line of said subparagraph *a* of said paragraph (2) of said subsection (a) of said Section and by inserting in lieu thereof the word "two"; and by striking out the word "three" in the fifth line of subparagraph 2 of paragraph (2)a of subsection (a) of said Section and by inserting in lieu thereof the word "two"; and by striking out the word "three", as the same appears in the fourth line from the bottom of subparagraph *b* of paragraph (2) of subsection (a) of said G. S. 58-251.1, and by inserting in lieu thereof the word "two".

Sec. 9. Amend Article 27 of Chapter 58, Volume 2B, Cumulative Supplement of 1953, by adding immediately after G. S. 58-257 thereof a new Section to be designated as "§ 58-257.1", which new Section shall read as follows:

"§ 58-257.1. Claim Forms.—All forms used by policyholders, beneficiaries, hospitals and physicians to report information relative to the nature and extent of loss or disability for which claim is being made under any type of accident or health policy must conform to certain standard language approved by the Commissioner of Insurance."

Sec. 10. Article 26 of Chapter 58 of the General Statutes, Volume 2B,

Cumulative Supplement of 1953, is hereby amended by adding immediately after § 58-250 a new Section to be designated as "§ 58-250.1" which shall read as follows:

"§ 58-250.1. Right to Return Policy and Have Premium Refunded.—Every individual or family hospitalization policy, certificate, contract or plan issued for delivery in the State of North Carolina on and after January 1, 1956, must have printed thereon or attached thereto a notice stating in substance that the person to whom the policy is issued is permitted to return the policy within ten (10) days of its receipt by him and have the premium paid refunded, if, after examination of the policy, he is not satisfied with it for any reason. If a policyholder or certificate holder or purchaser of a contract or plan returns same pursuant to such notice, coverage under such policy, certificate, contract or plan shall become void immediately upon the mailing or delivery of the contract, certificate, policy or plan to the insurance company at its home or branch office or to the agent through whom it was purchased. Coverage shall exist under such policy, certificate, contract or plan within said ten-day period until said mailing or delivery of the contract."

Sec. 11. Chapter 58 of the General Statutes, Volume 2B, is hereby amended by adding a new Section immediately following G. S. 58-44.5, to be designated as "§ 58-44.6", and to read as follows:

"§ 58-44.6. Imposition of Civil Penalty.—Whenever any person, agent, adjuster, firm, corporation or company, subject to the provisions of Chapter 57 of the General Statutes, as amended, and the provisions of Chapter 58 of the General Statutes, as amended, shall do or commit any act or shall fail to comply with any requirements prohibited or required by said Chapters, by virtue of which any license is subject to suspension or revocation, the Commissioner of Insurance, in addition to or in lieu of any other official action that may be taken by him, may, in his discretion, inflict a civil penalty in an amount to be fixed by said Commissioner of Insurance not in excess of twenty-five thousand dollars ($25,000.00), and if said civil penalty is not paid within ten (10) days from the date of the finding and order inflicting said penalty, then said Commissioner of Insurance may revoke any license of such person, agent, adjuster, firm, corporation or company subject to the provisions of said Chapters. The Commissioner of Insurance before imposing any penalty or revoking any license shall conduct a hearing and shall make all necessary findings of fact in regard to the matter under inquiry. In giving notices, conducting hearings and producing evidence, as well as examining records, the Commissioner of Insurance shall have all the power and authority and shall follow the procedures conferred and given in § 58-54.6 of the General Statutes. Any person, agent, adjuster, firm, corporation or company subject to said Chapters, whose rights are affected by the findings and order of the Commissioner of Insurance, shall have the right to appeal to the Superior Court of Wake County, and upon such appeal the record shall be certified to the Superior Court of Wake County, and the procedure and authority contained in § 58-9.3 of the General Statutes shall be followed and shall govern. The commencement of proceed-

ings, as herein authorized, shall not operate as a stay of the Commissioner's order or decision, unless so ordered by the Court."

Sec. 12. The provisions of Sections 1, 3, 4, 5, 6, 7, 10, 11 and 12 shall apply to hospital and medical service corporations under Chapter 57 of the General Statutes, as amended, to the same extent as said Sections apply to insurers under Chapter 58 of the General Statutes, as amended.

Sec. 13. Should any Section or part of this Act be declared unconstitutional the remainder of this Act shall remain valid and undisturbed.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. Except as expressly provided in Sections 6, 7, and 11 above, this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

S. B. 480 CHAPTER 851

AN ACT TO PERMIT THE TOWN OF SPENCER TO ADOPT CERTAIN STANDARD CODES BY REFERENCE.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Spencer is hereby empowered and authorized to adopt by ordinance the conditions, provisions, limitations, and terms of a plumbing code, an electrical code, a fire prevention code, a building code, and any other standard code which contains rules and regulations printed as a code in book or pamphlet form, by reference to such code or portions thereof, alone, without setting forth in said ordinance the conditions, provisions, limitations, and terms of such code. When any such code, or portion thereof, shall have been incorporated by reference into any ordinance, as foresaid, it shall have the same force and effect as though it had been spread at large in such ordinance without further or additional posting or publication thereof; provided, that not less than three copies of such standard code, or portion thereof, shall have been filed for use and examination by the public in the office of the clerk of said Town of Spencer prior to the adoption thereof.

Sec. 2. Whenever any standard code is adopted by reference, as herein provided for, any amendment or amendments to such standard code may also be adopted by reference in like manner. Provided, that not less than three copies of such amendment or amendments be filed in the office of the clerk of said Town of Spencer for use and examination by the public prior to the adoption thereof.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

S. B. 482 **CHAPTER 852**

AN ACT TO PERMIT THE TOWN OF EAST SPENCER TO ADOPT CERTAIN STANDARD CODES BY REFERENCE.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of East Spencer is hereby empowered and authorized to adopt by ordinance the conditions, provisions, limitations, and terms of a plumbing code, an electrical code, a fire prevention code, a building code, and any other standard code which contains rules and regulations printed as a code in book or pamphlet form, by reference to such code or portions thereof, alone, without setting forth in said ordinance the conditions, provisions, limitations, and terms of such code. When any such code, or portion thereof, shall have been incorporated by reference into any ordinance, as aforesaid, it shall have the same force and effect as though it had been spread at large in such ordinance without further or additional posting or publication thereof; provided, that not less than three copies of such standard code, or portion thereof, shall have been filed for use and examination by the public in the office of the clerk of said Town of East Spencer prior to the adoption thereof.

Sec. 2. Whenever any standard code is adopted by reference, as herein provided for, any amendment or amendments to such standard code may also be adopted by reference in like manner. Provided, that not less than three copies of such amendment or amendments be filed in the office of the clerk of said Town of East Spencer for use and examination by the public prior to the adoption thereof.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

S. B. 487 **CHAPTER 853**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF WELDON IN HALIFAX COUNTY TO CONVEY CERTAIN PROPERTY NO LONGER NEEDED FOR PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Weldon, in Halifax County, is authorized to convey certain property in the Town of Weldon, Weldon Township, Halifax County, North Carolina, adjacent to and fronting on both the northeast side and the southwest side of Second Street, which property is embraced within the East and West lines of Cedar Street if the same were extended northeastwardly from Fourth Street to the southwestern edge of the right of way of U. S. Highway No. 301, and is more particularly described as follows, to wit: COMMENCING at the southeast corner of the residence lot of Ameal Rabil, which point is at the northwest corner formed by the intersection of Cedar Street and

Fourth Street; thence running in a northeasterly direction along a line which would be the western edge of Cedar Street, if the same were extended, until it intersects the western line of the right of way of U. S. Highway No. 301; thence along the western line of the right of way of said highway and in a southerly direction until it intersects the eastern edge of Cedar Street, if the same were extended; thence in a southwesterly direction along the eastern edge of Cedar Street if the same were extended to the northeast corner formed by the intersection of Fourth Street and Cedar Street; thence in a westerly direction a distance of 50 feet, more or less, to the point of beginning.

The governing body of the Town of Weldon is authorized to convey any of the said property to adjoining land owners, under such terms and conditions, and for such considerations as the governing body may deem best.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

H. B. 154 CHAPTER 854

AN ACT TO PROVIDE THAT THE SECURITY SECTIONS OF THE FINANCIAL RESPONSIBILITY ACT SHALL NOT APPLY TO PERSONS REQUIRED TO POST SECURITY OF $100.00 OR LESS.

The General Assembly of North Carolina do enact:

Section 1. Subsections (b) of Section 20-279.5 of the General Statutes is hereby amended by changing to a semicolon the period immediately following the word "security" in the ninth line of the subsection as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes and by inserting therein immediately following said semicolon a new proviso, to read as follows:

"provided further, the provisions of this Article requiring the deposit of security and the suspension of license for failure to deposit security shall not apply to an operator or owner who would otherwise be required to deposit security in an amount not in excess of one hundred dollars ($100.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

H. B. 839 **CHAPTER 855**

AN ACT TO REGULATE THE TYPE OF INSURANCE FILED TO COMPLY WITH THE SECURITY PROVISIONS OF THE FINANCIAL RESPONSIBILITY LAW.

The General Assembly of North Carolina do enact:

Section 1. The last paragraph of subsection (c) of Section 20-279.5 of the General Statutes as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes is hereby amended by inserting therein between the word "accident" in the tenth line of the paragraph and the semicolon immediately following said word the following words:

"and unless said insurance company or surety company, if not authorized to do business in this State, is authorized to do business in the state or other jurisdiction where the motor vehicle is registered or, if such policy or bond is filed on behalf of an operator not an owner who was a nonresident of this State, unless said insurance company or surety company, if not authorized to do business in this State, is authorized to do business in the state or other jurisdiction of residence of such operator."

Sec. 2. The provisions of this Act shall apply only to matters and things arising out of accidents occurring on or after July 1, 1955.

Sec. 2½. The provisions of this Act shall not apply to contracts of insurance now in full force and effect, but shall apply upon the renewal or expiration date of such policies.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

H. B. 942 **CHAPTER 856**

AN ACT TO INCLUDE LEE COUNTY WITHIN THE PROVISIONS OF G. S. 14-335 RELATING TO PUNISHMENT FOR PUBLIC DRUNKENNESS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (10) of Section 14-335 of the General Statutes as the same appears in the 1953 Supplement to Recompiled Volume 1B is hereby amended by inserting in line one of said subsection after the word "Catawba" and before the word "Mecklenburg" the word and comma as follows: "Lee,"; and further amend line one of said subsection 10 of Section 14-335 by adding the word "Wake" after the word "Pender".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

H. B. 962 **CHAPTER 857**

AN ACT TO PROVIDE FOR A BOARD OF WATER COMMISSIONERS OF NORTH CAROLINA TO CARRY ON A PROGRAM OF CONSERVATION AND EDUCATION IN THE USE OF WATER; AND TO PROVIDE FOR THE ALLOCATION OF WATER UNDER CERTAIN EMERGENCY CONDITIONS.

The General Assembly of North Carolina do enact:

Section 1. Declaration of Policy.—It is hereby declared that the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such water be exercised with the view to the reasonable and beneficial use thereof in the public interest.

Sec. 2. Purpose of Act.—The purpose of this Act is to provide a State agency to study and gather information concerning the State's water resources; to devise plans for the most beneficial long-range conservation and use of said water resources; to make public information concerning the same; and to prepare and submit to the Governor and the General Assembly recommendations for the improvements in methods of conserving and using said water resources. It is the further purpose of this Act to provide that the aforementioned State agency shall, during periods of water emergency as found to exist pursuant to the provisions of this Act, have sufficient authority to take steps as hereinafter set forth to meet such emergency to the end that the harmful effects of the emergency shall be reasonably minimized.

Sec. 3. Definitions.—When used in this Act the following words shall have the following respective meanings:

(a) "Person" shall mean any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized or existing under the laws of this State or any other state or country.

(b) "Board", as the term is used in this Act, shall mean the Board of Water Commissioners of North Carolina.

Sec. 4. Act to be Administered by Board of Water Commissioners; Composition of Board.—For the administration of this Act, there is hereby created a Board of Water Commissioners of the State of North Carolina to consist of seven members to be appointed by the Governor, at least one of whom shall represent the interests of agriculture, at least one of whom shall represent the interests of the electric power industry, at least one of whom shall represent the interest of other industry, and at least one of whom shall represent the interests of municipalities. Of the members of the board initially appointed by the Governor, two shall serve for terms of two years each, two shall serve for terms of four years each, and three shall serve for terms of six years each. Thereafter, all appointments shall be for terms of six years. The Governor shall designate a chairman from among the membership of the board and shall, by

appointment, fill all vacancies occurring by reason of death, resignation or other cause.

The following persons shall serve as members of an Advisory Committee which shall act in an advisory capacity to the board: The Commissioner of Agriculture, the Director of the Agricultural Extension Service, the Director of the Department of Conservation and Development, the State Soil Conservationist, the Secretary of the State Board of Health, the Director of the State Recreation Commission, the Executive Secretary of the Stream Sanitation Committee, and the Executive Director of the Wildlife Resources Commission. The Governor shall appoint as members of the Advisory Committee three members of the House of Representatives and two members of the Senate of the General Assembly, one member of the Advisory Committee who shall represent industry, one member who shall represent the electric power industry and one member who shall represent municipalities. The members of the Advisory Committee so appointed by the Governor shall serve for terms of two years beginning July 1, 1955.

The Governor shall designate a chairman among the membership of the Advisory Committee and shall, by appointment, fill all vacancies occurring by reason of death, resignation or otherwise. The Advisory Committee shall meet upon the call of the Chairman of the Board or the Chairman of the Advisory Committee and shall consider such matters as are brought to its attention. The members of the Advisory Committee shall, during the performance of their duties, receive regular State travel expenses.

Sec. 5. Compensation of Board Members.—Each member of the board, while in the performance of the duties for which appointed, shall receive for his services ten dollars ($10.00) per day and regular State travel expenses.

Sec. 6. Organization of Board.—The Governor shall call an organizational meeting of the board within thirty days after appointment of the members. At such first meeting and annually thereafter, the board shall elect one of its members to serve as secretary.

Sec. 7. Ordinary Powers and Duties of the Board.—Except as otherwise specified in this Act, the powers and duties of the board shall be as follows:

(a) The board shall carry out a program of planning, research and education concerning the most beneficial long-range conservation and use of the water resources of the State.

(b) A general inventory of water resources of the State shall be maintained by the board. The Governor may direct any other State agency having information concerning the water resources of the State to make this information available to the board in order to assist it in maintaining this inventory.

(c) The Board, based on information available, shall notify any municipality or other governmental unit of potential water shortages or emergencies foreseen by the board affecting the water supply of such municipality or unit together with the board's recommendations for restricting and conserving the use of water or increasing the water supply

by or in such municipality or unit. Failure reasonably to follow such recommendations shall make such municipality or other governmental unit ineligible to receive any emergency diversion of waters authorized by Section 9 of this Act.

(d) The board is authorized, subject to the State Personnel Act and the Executive Budget Act, to employ a full-time executive secretary and such other personnel as may be necessary to carry out the purposes of this Act.

(e) The executive secretary shall serve as administrative officer of the board and shall exercise such administrative powers as are delegated to him by the board. He shall serve at the pleasure of the board.

(f) The board is authorized to call upon the Attorney General for such legal advice as is necessary to the functioning of the board.

(g) Recognizing the complexity and difficulties attendant upon the recommendation to the General Assembly of fair and beneficial legislation affecting the use and conservation of water, the board shall solicit from the various water interests of the State their suggestions thereon.

(h) The board may hold public hearings for the purpose of obtaining evidence and information and permitting discussion relative to water resources legislation and shall have the power to subpoena witnesses therefor.

(i) All recommendations for proposed legislation made by the board shall be available to the public.

(j) The board shall file with the Governor and the General Assembly a biennial report in which its activities for the preceding two years shall be summarized and which shall contain recommendations for the improvement and methods of conserving and using the State's water resources.

(k) The board shall adopt such rules and regulations as may be necessary to carry out the purposes of this Act.

(l) Any member of the board or any person authorized by it, shall have the right to enter upon any private or public lands or waters for the purpose of making investigations and studies reasonably necessary in the gathering of facts concerning streams and watersheds, subject to responsibility for any damage done to property entered.

Sec. 8. Declaration of Water Emergency.—Upon the request of the governing body of a county, city or town the board shall conduct an investigation to determine whether the needs of human consumption, necessary sanitation and public safety require emergency action under Section 9 of this Act. Upon making such determination, the board shall conduct a public hearing on the question of the source of relief water after three days written notice of such hearing has been given to any persons having the right to the immediate use of water at the point from which such water is proposed to be diverted. After determining the source of such relief water the board shall then notify the Governor and he shall have the authority to declare a water emergency in an area including said county, city or town and the source or sources of water available for the relief hereinafter provided; provided, however, that no emergency period shall exceed thirty days but the Governor may declare

any number of successive emergencies upon request of the board.

Sec. 9. Water Emergency Powers and Duties of the Board.—Whenever, pursuant to this Act, the Governor has declared the existence of a water emergency within a particular area of the State, the board shall have the following duties and powers to be exercised only within said area and only during such time as the Governor has, pursuant to this Act, designated as the period of emergency:

(a) To authorize any county, city or town in which an emergency has been declared to divert water in the emergency area sufficient to take care of the needs of human consumption, necessary sanitation and public safety. Provided, however, there shall be no diversion of waters from any stream or body of water pursuant to this Act unless the person controlling the water or sewerage system into which such waters are diverted shall first have limited and restricted the use of water in such water or sewerage system to human consumption, necessary sanitation and public safety and shall have effectively enforced such restrictions. Diversion of waters shall cease upon the termination of the water emergency or upon the finding of the board that the person controlling the water or sewerage system using diverted waters has failed to enforce effectively the restrictions on use to human consumption and necessary sanitation and public safety.

In the event waters are diverted pursuant to this Act, there shall be no diversion to the same person in any subsequent year unless the board finds as fact from evidence presented that the person controlling the water or sewerage system has made reasonable plans and acted with due diligence pursuant thereto to eliminate future emergencies by adequately enlarging such person's own water supply.

(b) To make such reasonable rules and regulations governing the conservation and use of diverted waters within the emergency area as shall be necessary for the health and safety of the persons who reside within the emergency area; and the violation of such rules and regulations during the period of the emergency shall constitute a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year or both within the discretion of the court; provided, however, that before such rules and regulations shall become effective, they shall be published in not less than two consecutive issues of not less than one newspaper generally circulated in the emergency area.

Sec. 10. Temporary Rights of Way.—When any diversion of waters is ordered by the board pursuant to Section 9 of this Act, the person controlling the water or sewerage system into which such waters are diverted is hereby empowered to lay necessary temporary water lines for the period of such emergency across, under or above any and all properties to connect the emergency water supply to an intake of said water or sewerage system. The route of such water lines shall be prescribed by the board.

Sec. 11. Compensation for Water Allocated During Water Emergency and Temporary Rights of Way.—Whenever the board, pursuant to Section

9 (a) of this Act has ordered any diversion of waters, the person controlling the waters or sewerage system into which such waters are diverted shall be liable to all persons suffering any loss or damage caused by or resulting from the diversion of such waters or caused by or resulting from the laying of temporary water lines to effectuate such diversion. The board, before ordering such diversion, shall require that the person against whom liability attaches hereunder to post bond with a surety approved by the board in an amount determined by the board and conditioned upon the payment of such loss or damage.

Sec. 12. Cooperation of State Agencies and Officials.—The Governor may direct the cooperation and assistance of all State agencies and officials for the purpose of enforcing and carrying out the intent, purpose and policies of this Act and the rules and regulations made by the board pursuant to this Act.

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

H. B. 977 CHAPTER 858

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BEAUFORT IN CARTERET COUNTY TO RE-DEFINE AND CONSOLIDATE THE CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Section 1. That Section 2, Chapter 435 of the Private Laws of 1913 is hereby amended and reformed so as to re-define and consolidate the corporate limits of the Town of Beaufort as follows:

The corporate limits of said Town of Beaufort shall be as follows: Beginning at the center line of Ann Street at the foot of the East end of the concrete bridge leading to Morehead City and the Beaufort-Morehead City Causeway, and running thence with the U. S. Pierhead and Bulkhead line South 17 degrees 40 minutes 33 seconds West, 392.0 feet; thence with the said U. S. Pierhead and Bulkhead line South 03 degrees 18 minutes 28 seconds East, 512.5 feet; thence with the U. S. Pierhead and Bulkhead line South 56 degrees 23 minutes 13 seconds East, 3503.5 feet; thence with the U. S. Pierhead and Bulkhead line South 64 degrees 51 minutes 09 seconds East, 790.0 feet; thence with the U. S. Pierhead and Bulkhead line South 88 degrees 31 minutes 26 seconds East, 760.0 feet; thence South 88 degrees 31 minutes 26 seconds East, to a point intersecting the East line of Lot No. 11, map of Beaufort Housing Corporation, Map Book 1, Page 226, Carteret County Registry, extended southwardly to Taylor's Creek; thence a northwardly course with said East line of Lot No. 11 extended to the North Side of Front Street extended; thence a westwardly course with the North side of Front Street extended 50 feet to the East line of Lot No. 26 of the subdivision aforesaid; thence a

northwardly course with the East line of Lot No. 26, 185 feet to the northeast corner of Lot No. 26; thence a westwardly course with the North line of Lot No. 26, 100 feet to the southeast corner of Lot No. 2 of the subdivision described above; thence a northwardly course with the East line of said Lot No. 2, 182.5 feet to the South side of Ann Street extended; thence an eastwardly course with the South side of Ann Street extended to a point intersecting the East line of the Glenn Harris property extended southward; thence with said line a northerly course 185 feet to the Harris North line; thence a westwardly course with the Harris-Willis-Woodard line to the West side of Belle Air Street; thence a southwardly course with the West side of Belle Air Street to David Jones' northeast corner, which is the northeast corner of Lot No. 5 of the aforesaid subdivision; thence a westwardly course to the West side of Seaview Street; thence a southerly course with the West side of Seaview Street 60 feet to the southeast corner of Lot No. 46, Ocean View Subdivision, and the North Side of a 12-foot alley; thence with the alley a westwardly course to the southwest corner of Lot No. 42, Ocean View Subdivision; thence North 31 degrees 30 minutes East, to the South side of Ann Street; thence an easterly course with the South side of Ann Street to a point intersecting the West line of the Clyde Piner property and the East line of the colored cemetery extended southwardly; thence a northwardly course with the East line of the said cemetery to the center of the Beaufort & Morehead Railroad right-of-way; thence a northwardly course to the southeast corner of Highland Park Subdivision, said corner also being the southeast corner of Lot No. 4, Block 14, Highland Park Subdivision; thence with the South line of Highland Park Subdivision North 87 degrees West, 1212 feet, more or less, to the East right-of-way line of Fulford Street; thence with the East right-of-way line of Fulford Street a northeastwardly course to the North side of Mulberry Street; thence with the North side of Mulberry Street North 52 degrees 15 minutes West, to the West right-of-way line of U. S. Highway 70; thence with said highway North 67 degrees 30 minutes East, to the center of Town Ditch; thence with Town Ditch in a northerly direction its various courses to the center of Town Creek; thence South 74 degrees 15 minutes West, 380.0 feet to the center of the Beaufort & Morehead Railroad Trestle; thence North 63 degrees 20 minutes West, 1803.2 feet to the center of the highway bridge on the West Beaufort causeway; thence South 86 degrees 20 minutes West, 1620 feet to Gallants Channel; thence South 37 degrees 06 minutes 42 seconds West, 1458 feet to the U. S. Pierhead and Bulkhead line; thence continuing the same course with the U. S. Pierhead and Bulkhead line South 37 degrees 06 minutes 42 seconds West, 376.1 feet to the point of beginning.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

H. B. 1029 CHAPTER 859

AN ACT TO AMEND CHAPTER 926 OF THE SESSION LAWS OF 1947, RELATING TO THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 926 of the Session Laws of 1947, as amended, is rewritten to read as follows:

"Sec. 3. The purpose of this system shall be to provide disability and retirement benefits for the uniformed members of the Charlotte Fire Department who are entitled thereto under the provisions of this Act."

Sec. 2. The first sentence of Section 5 of Chapter 926 of the Session Laws of 1947, as amended, which begins with the words "Each member" and ends with the words "Four per centum (4%)", is deleted and there is substituted in its place the following:

"Each member shall pay and the City of Charlotte shall cause to be deducted from the salary of each uniformed member of the Charlotte Firemen's Retirement System, on each and every payroll of such employee and for each and every payroll period, six and forty-eight hundredths per centum (6.48%) of his payroll earnings in payment thereof, and the City of Charlotte shall also contribute a sum equal to six and forty-eight hundredths per centum (6.48%) of said payroll earnings."

Sec. 3. Subsections (a) and (b) of Section 6 of Chapter 926 of the Session Laws of 1947, as amended, are rewritten to read as follows:

"Sec. 6. Retirements.

(a) Service Retirement Benefits.

(1) Any uniformed member of the Charlotte Fire Department may retire upon written application to the Board of Trustees setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution and filing thereof, he desires to be retired; provided that said member will have had thirty (30) years of service as a uniformed member of the Charlotte Fire Department and will be at least fifty-five (55) years old at the time he desires to be retired. In computing the period of service to qualify for such retirement, all members of the Charlotte Fire Department shall be given credit for all previous service in said department. This will also include service by members in the Armed Forces of the United States of America who were employed in the department prior to entering the service of their country, in either World War I, World War II or the Korean War. An average of not more than six persons shall be retired in any one year under this system. Those who wish to retire, but because of this limitation cannot, but are eligible by seniority to retire, shall be deferred to the following year.

(2) Any uniformed member of the Charlotte Fire Department who has attained the age of sixty-five (65) years shall be retired when he becomes sixty-five (65) years of age and such retirement shall be com-

pulsory, provided the fund has reached two hundred thousand dollars ($200,000.00) as provided in subsection 5(c) above.

(3) Retirement benefits for firemen retiring at or after age sixty (60) shall be equal to one half or fifty per centum (50%) of the pay which was approved to be paid such retired fireman, whether received by such fireman or not, averaged over the last five (5) years of such employment at the time of his retirement or averaged over his entire period of service, whichever is greater. Retirement benefits for firemen retiring after attaining age fifty-five (55) and before attaining age sixty (60) shall be computed in the same manner, reduced, however, to account for the longer expectancies of such persons by multiplying the normal benefit by the following reduction factors:

Retirement at age	Factor
55	70.964%
56	75.720
57	80.937
58	86.675
59	93.003

(b) Disability Retirement Benefits:

(1) Any uniformed member of the Charlotte Fire Department who shall become totally and permanently disabled by reason of an injury received or by reason of an accident or occupational disease occurring in the line of duty or of his employment as a fireman shall be entitled to retirement benefits equal to fifty per centum (50%) of the pay of such disabled employee at the time of his retirement. No disability benefits shall begin or become due until all benefits due under the North Carolina Workmen's Compensation Law shall have been paid in full, or, in the case of a lump sum payment, until after the maximum period covered by the lump sum payment shall have expired.

(2) Any uniformed member of the Charlotte Fire Department who shall become totally and permanently disabled other than by reason of an injury, accident or occupational disease provided for in the immediately preceding subsection shall, after ten (10) years of service, be entitled to retirement benefits equal to twenty five per centum (25%) of the pay of such disabled employee at the time of his retirement and to an increase of one and one-fourth per centum (1.25%) of pay for each year of service at the time of such retirement in excess of ten (10) years, provided that the rate of compensation under this subsection shall in no event exceed fifty per centum (50%) of the pay of the disabled retired employee.

(3) Any member desiring to secure benefits under the two immediately preceding subsections shall make application for retirement to the Board of Trustees and the Board of Trustees shall in not less than thirty (30) days nor more than ninety (90) days after the filing thereof pass on said application; provided that the Medical Board, after a medical examination of such member, shall certify that such member has become totally disabled and incapacitated for further performance of duty and that such incapacity is likely to be permanent and that such member should be retired. 'Disability' shall mean inability to perform the duties for which

employed or other work in the department paying not less than the amount which such employee was receiving immediately prior to disability and to which his superiors in the department are willing to assign him.

(4) The determination by the Board of Trustees that any applicant is not entitled to retirement benefits under this Section shall not prohibit such applicant from filing another application at a later date, provided said application is based on additional or different facts bearing on the question of his disability.

(5) Whenever the Medical Board and the Trustees shall agree on any application, such determination shall be conclusive, but in the event the Medical Board shall find that the applicant is permanently and totally disabled as herein defined and the Trustees shall not so find, then the applicant shall have the right of an appeal to the Civil Service Commission and their decision shall be final on said application.

(6) Any member of the system who shall have been retired by reason of disability hereunder shall be subject to the call of the Board of Trustees at any time for re-examination, and if, upon re-examination, such member be found able to perform active duty in the Charlotte Fire Department, he shall be reinstated in a position equal in rank to that at the time of his retirement. Refusal of any member to submit to such re-examination or refusal to return to work as a result of a finding by the Board of Trustees, upon re-examination, and said member is capable of performing active duty in the Charlotte Fire Department shall cause all retirement benefits to cease forthwith and such person shall cease to be a member of the Charlotte's Firemen's Retirement System; provided, however, that such person may apply for reimbursement of funds actually paid into the system by him, but in no event shall such sum exceed the amount actually paid in less the retirement benefits theretofore received by such person."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

H. B. 1073 CHAPTER 860

AN ACT TO AMEND CHAPTER 776 OF THE SESSION LAWS OF 1953 BY EXCEPTING LENOIR COUNTY THEREFROM.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 776 of the Session Laws of 1953 is amended by striking out in line 2 of said Section the word "Lenoir".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

H. B. 1096 **CHAPTER 861**

AN ACT TO EXTEND THE PLANNING AND ZONING POWERS OF THE CITY OF HIGH POINT AND ITS GOVERNING BODY TO THE TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE CITY OF HIGH POINT AS HEREINAFTER DEFINED.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of promoting the orderly growth, expansion and development of the City of High Point and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals or general welfare of the citizens of the City of High Point and of the territory and community beyond and surrounding the corporate limits of the said municipality, as hereinafter defined, the governing body of the City of High Point is hereby authorized and empowered to adopt such ordinances and regulations as may be considered necessary or expedient by the governing body of the City of High Point to regulate, control and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, not only within the corporate limits of the City of High Point, but also when specifically provided by the terms of any such ordinance, within the territory and community beyond and surrounding the corporate boundaries of the City of High Point, as established by the Charter of the City of High Point (Private Laws 1931, Chapter 107, Article 11 Section 3) for a distance of one mile of and beyond such corporate boundaries in a North, South and East direction and to the Guilford County West boundary in a West direction; and within the aforesaid territory within and beyond the corporate boundaries, the governing body of the City of High Point is hereby authorized and empowered to exercise any and all powers of planning and/or zoning conferred upon the City of High Point and vested in its governing body by the Charter of the City of High Point, and/or the General Statutes of North Carolina, as amended from time to time, including but not being limited to the provisions of Article 14 of subchapter 1 of Chapter 160 of the General Statutes, and/or by any other statute applicable to the City of High Point, to the same extent and according to the same methods of procedure as applicable to planning and/or zoning within the corporate limits of the City of High Point.

Sec. 2. At the time the governing body of the City of High Point authorizes the Planning Commission of the City of High Point to prepare a recommended zoning ordinance for the territory beyond the corporate limits as described in Section 1, said governing body shall appoint four residents of the territory beyond the corporate limits of the City of High Point to the High Point Planning Commission in addition to the regularly appointed members. The additional members of the Planning Commission so appointed who are residents of the territory beyond the corporate

limits shall have equal rights and privileges with the other members of the City of High Point's Planning Commission only in matters pertaining to the zoning of the territory surrounding and beyond the corporate limits of the City of High Point as defined herein, and the term of office of the members who are residents of the territory beyond the corporate limits shall terminate at the time a zoning ordinance for the territory beyond the corporate limits of the City of High Point is enacted by the governing body of the City of High Point.

Sec. 3. The governing body is further authorized in order to properly enforce the provisions of any planning or any zoning ordinances that may be enacted affecting the area beyond the corporate limits as defined herein, to require that prior to the beginning of any construction, reconstruction or alteration of any building or structure that a permit be obtained therefor from the Building Inspector of the City of High Point. The permit shall be issued by said building inspector if the proposed structure complies with such requirements as may have been adopted by the governing body of the City of High Point for the area whereon the structure is to be situated. No fee shall be charged for such permit.

Sec. 4. The provisions of this Act shall apply only to the City of High Point and within the territory and community beyond and surrounding the corporate boundaries of the City of High Point, as established by the Charter of the City of High Point (Private Laws 1931, Chapter 107, Article 11 Section 3) for a distance of one mile of and beyond such corporate boundaries in a North, South, and East direction and to the Guilford County West boundary in a West direction.

Sec. 5. The governing body of the City of High Point shall enact no ordinance or ordinances under the provisions of this Statute without first holding a public hearing.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

H. B. 1097 CHAPTER 862

AN ACT TO DEFINE INTERSECTIONS OF HIGHWAYS AS USED IN G. S. 20-150.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 20-150 (c) is hereby amended by adding at the end thereof a new sentence to read as follows:

"For the purposes of this Section the words 'intersection of highway' shall be defined and limited to intersections designated and marked by the State Highway and Public Works Commission by appropriate signs and street intersections in cities and towns."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

H. B. 1131 CHAPTER 863

AN ACT TO AMEND SECTION 105(b) OF SENATE BILL 161, RATIFIED APRIL 22, 1955.

The General Assembly of North Carolina do enact:

Section 1. That Section 105(b) of Senate Bill 161, ratified April 22, 1955, be amended by striking out the last paragraph of said Section and inserting in lieu thereof the following:

"Before any assessment is made under the provisions of this Section (105(b)), the City Council of the City of Raleigh shall give at least ten days written notice of such proposed action to each owner of property to be assessed of a public hearing to be held by the City Council for the purpose of considering such assessment, at which all persons to be affected by said assessment shall be given the opportunity to be heard."

Sec. 2. That all laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

H. B. 1142 CHAPTER 864

AN ACT TO REPEAL HOUSE BILL NO. 834 RELATING TO THE HAW RIVER SANITARY DISTRICT IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. House Bill No. 834, ratified the 14th of April, 1955, is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

H. B. 1233 **CHAPTER 865**

AN ACT TO LEGALIZE AND VALIDATE THE MUNICIPAL ELECTION OF THE TOWN OF RICHLANDS, IN ONSLOW COUNTY, FOR THE YEAR 1955, WHICH SAID ELECTION, DUE TO INADVERTENCE AND MISTAKE, WAS NOT HELD ON THE DATE REQUIRED BY LAW.

WHEREAS, the time fixed by law for the election of the municipal officials of the Town of Richlands, in Onslow County, is the first Tuesday in May in all odd years; and

WHEREAS, through some oversight, mistake and inadvertence on the part of the municipal officials of the Town of Richlands it was considered and thought that said election should be held on the first Saturday in May, or, that is, on the 7th day of May, 1955; and

WHEREAS, all necessary preparations for said municipal election of the Town of Richlands have been made, including the opening of the registration books, registration and all legal requirements preliminary to a municipal election, including the printing of the official ballots; and

WHEREAS, there have been expenses incurred, and said election should be held, and it is the regular year for such municipal election, and it is desired that proper officers shall be elected in a legal manner to administer the municipal government of the Town of Richlands: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The municipal election for the Town of Richlands for the election of the municipal officers of said town, held or to be held on May 7, 1955, shall in all respects be deemed to be the proper, legal and valid date of election for said Town of Richlands for the year of 1955. That all preliminary registrations, preparations of election records and books, of printing of official ballots and other steps taken for the holding of said election on May 7, 1955, shall be deemed to be legal, proper and valid, and any and all such preliminary procedures and steps are hereby declared to be lawful and are hereby validated.

Sec. 2. That any and all municipal officers elected in the Town of Richlands, or to be elected on May 7, 1955, are hereby declared elected or to be elected in a legal, proper and valid election, and such persons, when properly inducted into office, shall be deemed to hold their offices with legal and valid status in any and all respects and with the same force and effect as if said election had been held on Tuesday, May 3, 1955.

Sec. 3. That all future elections to be held for the Town of Richlands, for the election of municipal officials, shall be held on the first Tuesday in May in accordance with the charter and special laws governing said election for said Town of Richlands.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

S. B. 63 CHAPTER 866

AN ACT TO AUTHORIZE BOARDS OF COUNTY COMMISSIONERS TO APPOINT ASSISTANT TAX SUPERVISORS AND DESIGNATE THEIR DUTIES.

The General Assembly of North Carolina do enact:

Section 1. Section 105-292 of the General Statutes is stricken out and the following substituted therefor:

"Section 105-292. Assistant tax supervisors and clerical assistants.—The board of county commissioners may, in their discretion, upon the recommendation of the tax supervisor, appoint one or more assistant tax supervisors and employ such clerical assistants to the tax supervisor as they deem proper. The board of county commissioners may delegate to assistant tax supervisors appointed under this Section responsibility for real property appraisal, the listing and appraisal of business property, or such other duties as they deem advisable. Clerical assistants shall perform such duties as may be assigned them by the tax supervisor. Assistant tax supervisors and clerical assistants shall be appointed or employed and compensated for such terms as the county commissioners deem proper."

Sec. 1½. The provisions of this Act shall not apply to the following: Alleghany County, Ashe County, Avery County, Buncombe County, Caldwell County, Catawba County, Cherokee County, Duplin County, Franklin County, Granville County, Halifax County, Hoke County, McDowell County, Martin County, Perquimans County, Randolph County, Transylvania County, and Watauga County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 182 CHAPTER 867

AN ACT TO REWRITE OR AMEND VARIOUS SECTIONS OF CHAPTERS 147 AND 148 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO PAROLES AND TO ESTABLISH A BOARD OF PAROLES, PROVIDE FOR THE MEMBERS THEREOF, AND FIX THEIR DUTIES AND AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 148-52 is hereby rewritten to read as follows:

"G. S. 148-52. Appointment of Board of Paroles; Members; Duties;

Quorum; Salary.—(a) There is hereby created a Board of Paroles with authority to grant paroles, (including both regular and temporary paroles), to persons held by virtue of any final order or judgment of any court of this State in any prison, jail, or other penal institution of this State or its political subdivisions. The board shall also have authority to revoke, terminate, and suspend paroles of such persons (including persons placed on parole on or before June 30, 1955) and to assist the Governor in exercising his authority in granting reprieves, commutations, and pardons, and shall perform such other services as may be required by the Governor in exercising his powers of executive clemency.

"(b) The Board of Paroles shall consist of three members, all of whom shall be appointed by the Governor from persons whose recognized ability, training, experience, and character qualify them for service on the board. The Governor shall designate one of the persons so appointed to serve as Chairman of the Board of Paroles. The three members of the first board shall be appointed for terms of office beginning July 1, 1955, as follows: One member to serve for two (2) years, one member to serve for three (3) years, and one member to serve for four (4) years. Any appointment to fill a vacancy shall be for the balance of the term only, but in the event that any member of the board is temporarily incapable of performing his duties, the Governor may appoint some suitable person to act in his stead during the period of incapacity. At the end of the respective terms of office of the members of the first board, their successors shall be appointed for terms of four (4) years and until their successors are appointed and qualified. The Governor shall have power to remove any member of the board only for total disability, inefficiency, neglect of duty or malfeasance in office.

"(c) A majority of the board shall constitute a quorum for the transaction of business.

"(d) The salary of the members of the board shall be fixed by the Governor subject to the approval of the Advisory Budget Commission.

"(e) Nothing herein shall affect the power and authority of the State Board of Correction and Training to grant, revoke, or terminate paroles as now provided by law with regard to inmates of any training or correctional institution, school, or agency of a similar nature which is under the management and administrative control of said board."

Sec. 2. G. S. 148-53 is hereby rewritten to read as follows:

"G. S. 148-53. Investigators and investigations of cases of prisoners.—For the purpose of investigating the cases of prisoners serving both determinate and indeterminate sentences in the State prison, in prison camps, and on prison farms, the Board of Paroles is hereby authorized and empowered to appoint an adequate staff of competent investigators, particularly qualified for such work, with such reasonable clerical assistance as may be required, who shall, under the direction of the Board of Paroles, investigate all cases designated by it, and otherwise aid the board in passing upon the question of the parole of prisoners, to the end that every prisoner in the custodial care of the State may receive full, fair, and just consideration."

Sec. 3. G. S. 148-55 is hereby rewritten to read as follows:

"G. S. 148-55. Administrative assistant; Field supervisors; Clerical and secretarial help, etc., for Board of Paroles; Salaries and expenses.—(a) The Board of Paroles shall have authority to employ sufficient field supervisors, clerical and secretarial help and other necessary labor to conduct the affairs of the board with economy and efficiency. It shall also have authority to discharge personnel, assign their duties and responsibilities, administer all fiscal affairs relating to the budget, expenditures, purchases, and equipment. All employees of the Board of Paroles shall be subject to the provisions of Chapter 143, Art. 2 of the General Statutes. All salaries and expenses, including the salary of the members of the Board of Paroles shall be paid by the State Highway and Public Works Commission upon voucher approved by the Chairman of the Board of Paroles.

"(b) The Chairman of the Board of Paroles shall exercise such administrative authority as the board shall delegate to him. The Board of Paroles may designate its chief supervisor or one of its investigators to serve (in addition to his regular duties) as administrative assistant to the chairman."

Sec. 4. G. S. 148-57 is hereby rewritten to read as follows:

"G. S. 148-57. Rules and regulations for parole consideration.—The Board of Paroles is hereby authorized and empowered to set up and establish rules and regulations in accordance with which prisoners eligible for parole consideration may have their cases reviewed and investigated and by which such proceedings may be initiated and considered."

Sec. 5. G. S. 148-58 is hereby rewritten to read as follows:

"G. S. 148-58. Time of eligibility of prisoners to have cases considered.—All prisoners shall be eligible to have their cases considered for parole when they have served a fourth of their sentence, if their sentence is determinate, and a fourth of their minimum sentence, if their sentence is indeterminate; provided, that any prisoner serving sentence for life shall be eligible for such consideration when he has served ten years of his sentence. Nothing in this Section shall be construed as making mandatory the release of any prisoner on parole, but shall be construed as only guaranteeing to every prisoner a review and consideration of his case upon its merits."

Sec. 6. G. S. 148-61.1 is hereby rewritten to read as follows:

"G. S. 148-61.1. Revocation of parole by board; Conditional or temporary revocation.—(a) The Board of Paroles may at any time, in its discretion, revoke the order of parole of any parolee. The time a parolee is at liberty on regular parole shall not be counted as any portion of or part of the time served on his sentence, and if any parolee shall have his parole revoked, he shall thereafter be returned to the penal institution having custodial jurisdiction over him.

"(b) The Board of Paroles may, in its discretion, enter an order revoking a parole conditionally or for a temporary period of time. Upon issuing such order of conditional or temporary revocation, such parolee may be arrested without warrant by any peace officer or parole officer.

After such conditional or temporary revocation of parole, the parolee shall be held for a reasonable length of time during which the Board of Paroles shall determine whether or not the conditions of said parole have been violated. If it is determined by the Board of Paroles that the conditions of said parole have been violated, the Board of Paroles may in its discretion revoke the order of parole. If it is determined by the Board of Paroles that there has been no violation of the conditions of said parole, then such parolee or paroled prisoner shall be reinstated upon his original parole."

Sec. 7. G. S. 148-64 is hereby rewritten to read as follows:

"G. S. 148-64. Information to be furnished.—The Director of the Prisons, the warden of each prison and the superintendent of each camp and farm and all officers and employees thereof and all other public officials shall at all times cooperate with the Board of Paroles and shall furnish to it, or any member of its staff, all information that may be requested from time to time that will assist the board in performing its functions, and all such wardens and other employees shall at all times give to the Board of Paroles and its staff free access to all prisoners."

Sec. 8. G. S. 148-48 is hereby rewritten to read as follows:

"G. S. 148-48. Parole powers of Board of Paroles unaffected.—Nothing in this Chapter shall be construed to limit or restrict the power of the Board of Paroles to parole prisoners under such conditions as it may impose or prevent the reimprisonment of such prisoners upon violation of the conditions of such parole, as now provided by law."

Sec. 9. G. S. 148-56 is hereby rewritten to read as follows:

"G. S. 148-56. Upon request by the Board of Paroles, the county superintendents of public welfare shall assist in the supervision of parolees and shall prepare and submit to the Board of Paroles case histories or other information in connection with any case under consideration for parole or some form of executive clemency."

Sec. 10. G. S. 148-58.1 is amended and rewritten to read as follows:

"G. S. 148-58.1. Limitations on discharge from parole; Effect of discharge; Relief from further reports; Permission to leave State or county. —(a) No person released on parole (except temporary parole) shall be discharged from parole prior to the expiration of a period of one year. The official discharge by the Board of Paroles of a parolee shall have the effect of terminating the sentence or sentences under which the parolee was paroled.

"(b) The Board of Paroles may relieve a person on parole from making reports and may permit such person to leave the State or county if fully satisfied that this is for the best interest of both the parolee and society."

Sec. 11. Whenever the word "Governor" is used or appears in G. S. 148-54, the same shall be stricken out and the words, "Board of Paroles" shall be inserted in lieu thereof. The word "him", which appears in line five of G. S. 148-54 is stricken out and the word "it" is inserted in lieu thereof.

Sec. 12. Whenever the word "Governor" is used or appears in G. S.

148-59 and G. S. 148-62, the same shall be stricken out and the words "Board of Paroles" shall be inserted in lieu thereof. The word "his" which appears as the sixth word of the last sentence of G. S. 148-62 is stricken out and the word "its" is inserted in lieu thereof.

Sec. 13. G. S. 147-20, G. S. 148-50, G. S. 148-51, G. S. 148-54.1 and G. S. 148-65 are hereby repealed.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. This Act shall become effective on or after July 1, 1955.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 198 CHAPTER 868

AN ACT TO AMEND CERTAIN SECTIONS OF ARTICLE 9 OF CHAPTER 106 OF VOLUME 3A OF THE GENERAL STATUTES, RELATING TO COMMERCIAL FEEDING STUFFS.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 106-93, Volume 3A, as amended by the 1953 General Assembly, by rewriting the last two sentences of said Section so that the same shall hereafter read as follows:

"The methods of analysis shall be those adopted as official by the Board of Agriculture and shall conform to sound laboratory practices as evidenced by methods prescribed by the Association of Official Agricultural Chemists of the United States. In the absence of methods prescribed by the board, the commissioner shall prescribe the methods of analysis."

Sec. 2. Amend G. S. 106-99, Volume 3A, as amended by the 1953 General Assembly, by rewriting the first paragraph of said Section so that the same shall hereafter read as follows:

"§106-99. Inspection tax on feeding stuffs; tax tags.—Each and every manufacturer, importer, jobber, agent, or seller of any concentrated commercial feeding stuff, as defined in this Article, shall pay to the Commissioner of Agriculture an inspection tax of twenty-five cents (25c) per ton for each ton of such commercial feeding stuff sold, offered or exposed for sale or distributed in this State, and shall affix to or accompany each car shipped in bulk, and to each bag, barrel, or other package of such concentrated commercial feeding stuff, a tag or stamp to be furnished by the Commissioner of Agriculture stating that all charges specified in this Section have been paid. This shall apply to all commercial feeding stuff furnished, supplied or used, for the growing or feeding under contract or agreement, of livestock, domestic animals and poultry, and shall also apply to any feeding stuffs which are produced by the purchase of grain or other materials and the grinding and mixing of same with concentrated commercial feeding stuff being used as a supplement or base. The requirements of this Section, however, are subject to the following conditions:

"(1) If the concentrated commercial feeding stuff, used as a supplement or a base, has already been taxed under this Article and the inspection tax paid, then the amount paid shall be deducted from the gross amount of tax due on the total feeding stuff produced.

"(2) Any person, firm or corporation producing his or its own grain or other material and grinding and mixing same with a concentrated commercial feeding stuff as a supplement or base for the purpose of feeding his or its own livestock, domestic animals and poultry shall not be subject to the increased inspection tax as provided herein for mixtures of feeding stuff.

"(3) Whenever any concentrated commercial feeding stuff is kept for sale in bulk, stored in bins or otherwise, the manufacturer, dealer, jobber, or importer keeping the same for sale shall keep on hand cards of proper size, upon which the statement required in Section 106-93 is plainly printed; and if the feeding stuff is sold at retail in bulk, or if it is put up in packages belonging to the purchaser, the manufacturer, dealer, jobber, or importer shall furnish the purchaser with one of said cards upon which is or are printed the statement or statements described in this Section, together with sufficient tax tags or stamps to cover same.

"(4) Nothing in this Article shall be construed to restrict or prohibit the sale of concentrated commercial feeding stuff to each other by importers, manufacturers or manipulators who mix concentrated commercial feeding stuff for sale or distribution, if the seller shall send to the Commissioner of Agriculture for each such sale or shipment, at the time of shipment or delivery, a statement that it is to be used only in the manufacture of registered feeds. Such statement shall give the name and address of the manufacturer, date of sale or shipment, name and address of manufacturer to whom sold or shipped, amount shipped, size of packages, and name of feeding stuff.

"(5) The Commissioner of Agriculture, upon demand, shall redeem inspection tags or stamps returned to him within a time fixed by the Board of Agriculture; but such tags or stamps submitted for redemption shall be accompanied by an affidavit that they have not been used."

Sec. 3. Amend G. S. 106-99, Volume 3A, by removing all of the second paragraph from said Section, and by constituting said second paragraph of G. S. 106-99 as a new Section to be numbered G. S. 106-99.1.

Sec. 4. Amend G. S. 106-102.1, Volume 3A, by rewriting the third paragraph of said Section so that the same shall hereafter read as follows:

"If the fiber content of any lot of feed shall exceed the maximum guarantee by more than two per cent (2%) (two units), a penalty shall be assessed equal to ten per cent (10%) of the value of the feed; provided, if the fiber content of any lot of dairy or dairy cow feed shall exceed a maximum guarantee of fifteen per cent (15%), a penalty shall be assessed equal to ten per cent (10%) of the value of the feed."

Sec. 5. Further amend G. S. 106-102.1, Volume 3A, by rewriting the fourth paragraph of said Section so that the same shall hereafter read as follows:

"If the microscopic analysis or any other analysis reveals that the feed is mislabeled, the commissioner may, in his discretion, assess a penalty equal to ten per cent (10%) of the value of the feed."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 204 CHAPTER 869

AN ACT TO AMEND G. S. 15-161 RELATING TO THE REPORT OF CASES TO THE CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-161 is hereby amended by rewriting the same to read as follows:

"G. S. 15-161. Justice to Make Return of Cases to Superior Court. It is the duty of each justice of the peace on or before the 25th day of each month to furnish the Clerk of the Superior Court with a list of the names and offenses of all parties tried and finally disposed of by such justice of the peace, together with the papers in each case, in all criminal actions. No indictment shall be found against any party whose case has been finally disposed of by any justice of the peace: Provided, that this Section shall not be deemed to extend or enlarge or otherwise affect the jurisdiction of the justice of the peace, except as provided by law."

Sec. 2. The failure of any justice of the peace to file a report without just cause shown shall constitute a misdemeanor and shall be punishable in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 304 CHAPTER 870

AN ACT TO REWRITE SECTION 8-46 OF THE GENERAL STATUTES SO AS TO PROVIDE FOR A MODERN MORTUARY TABLE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 8-46 is hereby rewritten to read as follows:

"§8-46. Mortuary tables as evidence.—Whenever it is necessary to establish the expectancy of continued life of any person from any period of such person's life, whether he be living at the time or not, the table hereto appended shall be received in all courts and by all persons having power to determine litigation, as evidence, with other evidence as to the health, constitution and habits of such person, of such expectancy repre-

sented by the figures in the columns headed by the words "completed age" and "expectation" respectively:

Completed Age	Expectation
0	64.94
1	66.85
2	66.15
3	65.31
4	64.43
5	63.52
6	62.60
7	61.67
8	60.73
9	59.78
10	58.83
11	57.88
12	56.94
13	55.99
14	55.06
15	54.12
16	53.19
17	52.27
18	51.34
19	50.42
20	49.50
21	48.59
22	47.67
23	46.75
24	45.84
25	44.92
26	44.01
27	43.10
28	42.19
29	41.29
30	40.39
31	39.48
32	38.59
33	37.69
34	36.80
35	35.92
36	35.03
37	34.15
38	33.28
39	32.41
40	31.55
41	30.69
42	29.83
43	28.99
44	28.15

Completed Age	Expectation
45	27.31
46	26.49
47	25.67
48	24.86
49	24.06
50	23.27
51	22.48
52	21.71
53	20.95
54	20.20
55	19.46
56	18.73
57	18.01
58	17.30
59	16.61
60	15.93
61	15.27
62	14.62
63	13.98
64	13.36
65	12.75
66	12.16
67	11.59
68	11.03
69	10.49
70	9.96
71	9.45
72	8.96
73	8.48
74	8.02
75	7.58
76	7.15
77	6.74
78	6.35
79	5.98
80	5.62
81	5.28
82	4.95
83	4.64
84	4.34
85	4.06
86	3.80
87	3.54
88	3.31
89	3.08
90	2.87
91	2.67

Completed Age	Expectation
92	2.49
93	2.31
94	2.15
95	2.00
96	1.86
97	1.72
98	1.60
99	1.49
100	1.38
101	1.27
102	1.17
103	1.05
104	.87

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 316 CHAPTER 871

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ELECTION LAWS.

The General Assembly of North Carolina do enact:

Section 1. That Section 163-11 of the General Statutes of North Carolina be amended by striking out the words "on the tenth Saturday" in line five of the first paragraph thereof and by substituting the words "on the Friday preceding the tenth Saturday"; and that Section 163-119 of the General Statutes be amended by striking out from the first paragraph thereof the words "the tenth Saturday before such primary election" and by substituting therefor the following, "Friday preceding the tenth Saturday before such primary election".

Sec. 2. That Section 163-25 of the General Statutes of North Carolina be amended by striking out from line five thereof of the first paragraph the words "four months" and substituting therefor the words "thirty days"; and by striking out all of the remainder of said paragraph beginning with the word "Provided" in line seven and by substituting therefor the following: "Provided, that removal from one precinct, ward or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which such person has removed until thirty days after such removal"; and that Section 163-29 be amended by striking out from the registration oath at the end of paragraph three thereof the words "four months" wherever they appear therein and by substituting therefor the words "thirty days"; and that Section 163-79 be amended by striking out from the oath of a challenged elector wherever

they appear the words "four months" and by substituting therefor the words "thirty days."

Sec. 3. That Section 163-46 of the General Statutes of North Carolina be amended by adding a new sentence to the end of paragraph two thereof to read as follows: "Provided, that in all cases where no party affiliation was recorded in the registration book opposite the name of any registered elector, but not including those registered as Independents, any such registered elector may on primary election day appear before his or her registrar and delcare his or her party affiliation to the registrar, and the registrar shall, upon such elector's taking an oath to support in the next general election the nominees of the party with which he then declared his affiliation record such declared party affiliation of such elector opposite the name of such elector on the registration book, and permit such elector to vote in the primary of such party as thus declared and recorded. Such recorded party affiliation on the registration book shall thereafter be permanent unless, or until, the same shall be changed by such elector in accordance with the provisions of Section 163-50 of the General Statutes."

Sec. 4. That Section 163-82 be amended by adding the following provisions at the end of said Section: "Provided, that any person committed under the provisions of this Section shall have the right to post a two hundred dollar ($200.00) bond with the Clerk of the Superior Court and appeal to the Superior Court for a trial on the merits of his commitment."

Sec. 5. That Section 163-92 of the General Statutes of North Carolina be amended by adding at the end of said Section a proviso as follows: "Provided, that where an election contest is properly pending before a county board of elections or on appeal from a county board to the State Board of Elections, either after a primary or a general election, the said county board of elections shall not certify the results of the primary or election for the office in controversy until the contest has been finally decided by the county or State Board of Elections."

Sec. 6. That Section 163-102 of the General Statutes of North Carolina be amended by striking from said Section the following "which shall take place at the same time and in the same way as the canvassing of the returns for State officers", and by substituting the following, "and the State Board of Elections may meet at the call of the Chairman as soon as he shall have received returns from all of the counties and prepared an abstract of same for the purpose of canvassing the returns and certifying the results of said election."

Sec. 7. That Section 163-170 be amended by changing the period at the end of the first sentence to a comma, and by adding the following words thereto "and official watchers"; and that Section 163-182 be amended by striking out from said Section the following words "Such watchers shall in no case enter the guard rail, but may be present at the opening of the boxes and the canvass of the ballots at the close of the election", and that the following be substituted therefor: "Such official watchers shall have the right from the time the polls open until the polls close and the

counting is completed to remain within the voting enclosure, and in a position where they may at all times during election day be in plain view of the precinct officials, the voting booths, the ballot boxes and the voting procedure, but shall not in any way impede the voting process or do any electioneering or interfere in any manner with the election except as the law provides."

Sec. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. That this Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 339 CHAPTER 872

AN ACT TO AMEND G. S. 50-11 RELATING TO THE EFFECTS OF ABSOLUTE DIVORCE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 50-11, as the same appears in the 1953 Cumulative Supplement to recompiled Volume 2A of the General Statutes, is hereby amended by rewriting the second proviso of said Section to read as follows:

"and, provided, further, that except in case of divorce obtained with personal service on the wife, either within or without the State, upon the grounds of the wife's adultery and except in case of divorce obtained by the wife in an action initiated by her on the ground of separation for the statutory period, a decree of absolute divorce shall not impair or destroy the right of the wife to receive alimony and other rights provided for her under any judgment or decree of a court rendered before the rendering of the judgment for absolute divorce."

Sec. 1½. The change in the existing law by this Act shall not affect the right of the wife to receive alimony and other rights provided for her under any judgment or decree of court rendered prior to the effective date of this Act.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after January 1, 1956.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 382 CHAPTER 873

AN ACT TO AMEND G. S. 15-122, RELATING TO THE RIGHT OF BAIL TO SURRENDER PRINCIPAL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-122 is amended by adding a proviso at the end thereof to read as follows:

"Provided, further, that if the defendant is in legal custody or im-

prisoned in the State of North Carolina or in any other state or territory of the United States at the time such defendant is bonded to appear in court, then the hearing on the writ of Scire Facias shall be continued for not less than ninety (90) days in order to give the surety an opportunity to produce the defendant."

Sec. 2. The provisions of this Act shall not apply to any bond in connection with which a writ of Scire Facias has heretofore been issued.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 417 CHAPTER 874

AN ACT TO AUTHORIZE THE CITY OF GASTONIA TO CONVEY CERTAIN LIBRARY PROPERTY TO THE COUNTY OF GASTON.

The General Assembly of North Carolina do enact:

Section 1. The Governing Body of the City of Gastonia is authorized, in its discretion, to convey to Gaston County, the library building and property upon which it is situated, upon such terms as may be mutually agreed upon by the Governing Body of the City of Gastonia and the Board of County Commissioners of Gaston County. The board of county commissioners of said county is authorized to accept said property on behalf of Gaston County upon such terms as may be mutually agreed upon by the parties.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 420 CHAPTER 875

AN ACT TO RELIEVE MUNICIPALITIES UNDER CERTAIN CIRCUMSTANCES OF THE OBLIGATION OF PAYING ONE THIRD OF RIGHT-OF-WAY COSTS FOR HIGHWAY SECTIONS CONSTRUCTED THROUGH SAID MUNICIPALITIES ON ELEVATED VIADUCTS AND THE LIKE.

The General Assembly of North Carolina do enact:

Section 1. That Section 136-41.1, as it appears in Volume 3-B of the General Statutes of North Carolina, be amended by changing the period following the word "streets" appearing in the 9th line of said Section to a colon and adding the following:

"Provided, further, that when the State Highway and Public Works

Commission shall determine from a thorough engineering and traffic study and investigation that a by-pass is needed to carry a heavily traveled and congested highway around a city or town, and that the construction of such a highway link or by-pass is justified by the traffic needs of said highway, and when it appears from such engineering study and investigation that the topography of the surrounding country is such as to make the construction of such a by-pass impossible or so extremely expensive that it would be more economical to construct such a highway through such city or town, even if the type of construction required would mean carrying such highway through such city or town on elevated viaduct or some other similar type of construction, with no or very limited right of access from the streets of the city or town to said highway, then and only in such event the municipality may be relieved of its obligation to pay one third of the costs of acquisition of right of way, and the State Highway and Public Works Commission may, upon a formal determination by the Commission, pay the entire right of way costs for the construction of such project."

Sec. 2. All laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 428 CHAPTER 876

AN ACT TO INCREASE THE TOWN LIMITS OF THE TOWN OF LUCAMA IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Lucama is hereby enlarged by the addition of the following area:

"Beginning at a point in the present Town Limit line, which point is also in Grace Lucas' easterly property line and South 7 degrees 30 minutes East 308 feet from the center line of Black Creek Road; thence along the present City Limit lines South 84 degrees 54 minutes East 770 feet, North 4 degrees 30 minutes West 1022 feet and North 69 degrees 30 minutes East 835 feet to the intersection of the center of a road leading from 301 Highway to Lucama High School; thence along the center of said road the following: South 2 degrees 00 minutes West 380 feet, South 24 degrees 30 minutes West 780 feet, South 27 degrees 26 minutes West 409.6 feet and South 12 degrees 10 minutes West 400 feet to a point in the center of said Road; thence North 82 degrees 30 minutes West 740 feet to a point in the said Grace Lucas line; thence North 7 degrees 30 minutes West 490 feet to the point of beginning."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 432 CHAPTER 877

AN ACT TO AMEND G. S. 1-109, RELATING TO PROSECUTION BONDS IN CIVIL ACTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-109 is hereby amended by adding a new Section to be designated as 1-109.1 to read as follows:

"The Clerk of the Superior Court of Mecklenburg County shall not require the undertaking provided for in Section 1-109 unless the process to be issued by the said Clerk is directed for service to an officer in a county other than Mecklenburg, provided, that at any time after the issuance of the summons, the clerk or the judge, upon motion of the defendant, shall require the plaintiff to comply with G. S. 1-109."

Sec. 2. This Act shall apply only to Mecklenburg County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect after July 1, 1955.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 437 CHAPTER 878

AN ACT RELATING TO THE HUNTING OF GRAY FOXES IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be lawful to hunt, take or kill gray foxes at any time in Lincoln County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 440 CHAPTER 879

AN ACT TO AMEND G. S. 2-26 RELATING TO THE FEES OF CLERKS OF SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 2-26 is hereby amended by adding at the end thereof the following:

"Provided, that when any services of the Clerk of the Superior Court

shall be for any court or person of any county other than his own county, the Clerk of the Superior Court fees shall be as hereinafter set out:

Transcripts of Judgments, including the Certificate of Filing and Docketing . . . $1.50 first page, 75c for each additional page thereafter.

Issuing certified copies of or recording certified copy of any other matter of record or papers on file in the office of the Clerk of the Superior Court . . . $1.50 first page, 75c for each additional page thereafter.

Recording Corporation or Amendment to Corporate Certificates . . . $3.00 first 4 pages, including certificate of Secretary of State plus 75c for each additional page or fractional page thereafter.

Issuing Executions including docketing returns thereon and issuing certificates of satisfaction . . . $1.50 first page, 75c for each additional page thereafter.

Execution against specific property or against the person, including docketing of returns thereon and issuing certificates of satisfaction . . . $2.00."

Sec. 2. A page is defined as being a regular legal size sheet of paper not greater than fourteen inches (14") in length.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 450 CHAPTER 880

AN ACT PROVIDING FOR THE REGULATION OF THE SUBDIVISION OF LAND IN AND AROUND THE CITY OF JACKSONVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. GOVERNING BODY AS PLATTING AUTHORITY. The City Council of the City of Jacksonville, North Carolina, is hereby authorized to enact an ordinance regulating the platting and recording of any subdivision of land as defined by this Act lying within the corporate limits of Jacksonville, Onslow County, North Carolina, or within one mile in all directions of its corporate limits and not located in any other municipality.

Sec. 2. PROCEDURE FOR ADOPTING SUBDIVISION ORDINANCE. Before the City Council of the City of Jacksonville, North Carolina, shall adopt a Subdivision Control Ordinance or any amendment thereto under the provisions of this Act, the Council shall hold a public hearing on the proposed ordinance. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in said municipality, or if there be no newspaper published in said municipality, by posting such notice at four public places in the municipality,

said notice to be published the first time, or posted, not less than fifteen days prior to the date fixed for said hearing.

Sec. 3. PROCEDURE FOR FILING PLAT. If the city council adopts an ordinance regulating the subdivision of land and authorized herein, no subdivision plat shall be filed or recorded until it shall have been submitted to and approved by said city council and such approval entered in writing on the plat by the city clerk provided a copy of such ordinance shall be filed with the Register of Deeds of Onslow County, North Carolina, in which the municipality is situated. The Register of Deeds of Onslow County, upon receipt of such ordinance shall not thereafter file or record a plat of a subdivision of land located within the territorial jurisdiction of the City of Jacksonville as defined herein without the approval of such plat by said governing body as required in this Act. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of the City of Jacksonville as defined herein. The Clerk of Superior Court shall not order or direct the recording of a plat where such recording would be in conflict with this Section.

Sec. 4. SUBDIVISION REGULATIONS. Prior to exercising the powers granted to it by this Act, the city council shall by ordinance adopted pursuant to this Act adopt regulations governing the subdivision of land within its platting jurisdiction as defined in Section 1. Such ordinance shall require that at least a preliminary plan of every proposed subdivision shall be submitted for study recommendation and tentative approval to the legislative body or to the Planning Board of the City of Jacksonville.

Such ordinance may provide for the orderly development of the municipality and its environs; for the coordination of streets within proposed subdivision with existing or planned streets or with other public facilities; for the dedication or reservations of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding, and which shall create conditions essential to public health, safety, and general welfare.

Such ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

Such ordinance may include requirements as to the improvement and grading of streets and the construction and installation of street pavements, and surface water drainage as a condition precedent to the approval of the plat. In addition, such ordinance may require the installation of water and sewer facilities so as to conform to ordinances of the City of Jacksonville now or hereafter enacted regulating water and sewer extensions and installation as a condition precedent to the approval of the plat. The governing body shall provide that the plat be tentatively

approved before any such improvements and installations may be undertaken. Such ordinance may provide that in lieu of the completion of such improvements and installations prior to the final approval of a plat, the governing body may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the City of Jacksonville the actual construction and installation of such improvements and utilities within a period specified by the governing body and expressed in the bond; and the City of Jacksonville is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. Such ordinance may provide that for subdivisions within the corporate limits the governing body may in lieu of requiring a bond or the completion of such improvements and installations prior to the final approval of a plat, provide for an assessment under Article 9 of Chapter 160 or other statutory authorization whereby the City of Jacksonville may make said improvements and installations at the cost of the owners of the property within the subdivisions.

Sec. 5. EFFECT OF PLAT APPROVAL ON STATUS OF DEDICATIONS. The approval of a plat by the governing body shall not be deemed to constitute or effect the acceptance by the City of Jacksonville of the dedication of any street or other ground, public utility line, or other public facility shown upon the plat.

Sec. 6. PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS. If the City Council of the City of Jacksonville adopts an ordinance regulating the subdivision of land as authorized herein, any person who, being the owner or agent of the owner of any land located within the platting jurisdiction granted to the City of Jacksonville, North Carolina, by Section 1 of this Act, thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by said city council and recorded in the office of the Register of Deeds, of Onslow County, shall upon conviction be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality, through its city attorney or other official designated by its governing body, may enjoin such transfer or sale by action for injunction.

Sec. 7. DEFINITIONS. For the purpose of this Act, the following definition shall apply:

"Subdivision." A "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Act: (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations;

(2) the division of land into parcels greater than five acres where no street right-of-way dedication is involved; (3) the public acquisition by purchase of strips of land for the widening or opening of streets; (4) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations.

Sec. 8. POWERS GRANTED HEREIN SUPPLEMENTARY. The power granted to the City of Jacksonville by this Act shall be deemed supplementary to any powers heretofore or hereafter granted in the charter or by local statute for the same or a similar purpose.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 460 CHAPTER 881

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS AND CLERK OF THE SUPERIOR COURT OF THE COUNTY OF ROBESON TO INVEST CERTAIN FUNDS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the County of Robeson is hereby authorized and empowered, in its discretion, to cause and direct all or any part of the cash balance in any fund of the county to be invested or reinvested in United States Treasury certificates of indebtedness, notes, bonds or bills, or in obligations of any agency or instrumentality of the United States Government if the payment of principal and interest of such obligations is guaranteed by the United States of America, or in bonds or notes of the State of North Carolina: Provided, said board shall exercise diligence in determining that the maturity of such securities is such that the cash invested therein may be available at such time, or from time to time, as the same is needed for the purpose for which it was raised. Said board may cause and direct any or all of such securities to be sold at a price or prices not less than the market price thereof nor less than a price at which the same were purchased, whichever is greater. The interest and revenues received upon said securities and any profit from the sale thereof shall be deposited in and become a part of the fund from which the investment was made or, in the discretion of said board, shall be deposited in and become a part of the general fund of the county. Any purchase of securities for investment and any sale thereof, as well as exchange of securities for reinvestment, shall be made pursuant to order duly made by said board and recorded in the minutes of said board.

Sec. 2. The Clerk of Superior Court of the County of Robeson is hereby authorized and empowered, in his discretion and with the approval of the Board of Commissioners of said county, to invest or reinvest any moneys representing unclaimed court costs and fees received and held by him by

color of his office in United States Treasury certificates of indebtedness, notes, bonds or bills, or in obligations of any agency or instrumentality of the United States Government if the payment of principal and interest of such obligations is guaranteed by the United States of America, or in bonds or notes of the State of North Carolina. Said clerk may, with the approval of the Board of County Commissioners, sell any or all of such securities held for investment as provided herein at a price or prices not less than the market price thereof. The interest and revenues received upon such securities and any profit from the resale thereof shall be deposited in and become a part of the general fund of the county.

Sec. 3. Securities purchased and held for investment under the provisions of this Act may be kept in the safekeeping department of any bank or trust company authorized either under the laws of this State, the State of New York or of the United States and a safekeeping receipt taken therefor.

Sec. 4. The powers granted under the provisions of this Act shall be in addition to and not in substitution for the powers granted under the provisions of any other law.

Sec. 5. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 471 CHAPTER 882

AN ACT TO REWRITE G. S. 15-184 RELATING TO THE EFFECT OF AN APPEAL TO THE SUPREME COURT IN CRIMINAL CASES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-184 is hereby rewritten to read as follows:

"G. S. 15-184. Appeal not to vacate judgment; stay of execution.—In criminal cases an appeal to the Supreme Court shall not have the effect of vacating the judgment appealed from, but upon perfecting the appeal as now required by law, either by giving bond or obtaining an order allowing appeal in forma pauperis, there shall be a stay of execution during the pendency of the appeal. The Clerk of the Superior Court shall, after execution is stayed, as provided in this Section, notify the Attorney General thereof. Said notice shall give the name of defendant, the crime of which he was convicted, and, if the statutory time for perfecting the appeal has been extended by agreement or otherwise, the time of such extension. If for any reason the defendant should wish to withdraw his appeal before the same is docketed in the Supreme Court, he may appear before the Clerk of the Superior Court in which he was convicted and request in writing withdrawal of the appeal. The said clerk shall file and make an entry of such withdrawal and shall, if a sentence be called for, issue a commitment and deliver same to the sheriff. The sentence shall begin as of the date of the issuance of the commitment.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 481 CHAPTER 883

AN ACT TO AMEND CHAPTER 414, SESSION LAWS OF 1943, WHICH AMENDS SECTION 4, CHAPTER 382, PRIVATE LAWS OF 1911, RELATING TO COMPENSATION OF MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF SPENCER IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 414, Session Laws of 1943, which amends Chapter 382, Private Laws of 1911, be and same is hereby amended by striking the following words appearing in lines 5, 6 and 7 thereof, "and the aldermen of said town shall receive not more than one hundred dollars ($100.00) each per annum", and inserting in lieu thereof the following, "and the aldermen of said town shall receive not more than two hundred dollars ($200.00) each per annum".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 496 CHAPTER 884

AN ACT TO CREATE A WILDLIFE REFUGE AT THE LUMBERTON STEAM ELECTRIC PLANT COOLING POND.

The General Assembly of North Carolina do enact:

Section 1. The Lumberton Steam Electric Plant Cooling Pond is hereby established as a wildlife refuge, with the high water mark forming the boundary line. The killing of waterfowl within this area, by any means, is prohibited.

Sec. 2. The violation of this Act shall constitute a misdemeanor, and any person found guilty thereof shall be fined or imprisoned at the discretion of the court.

Sec. 3. North Carolina wildlife protectors are empowered to enforce the provisions of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 534 CHAPTER 885

AN ACT TO AUTHORIZE THE TRANSFER OF SURPLUS MONIES IN THE DEBT SERVICE FUND TO THE GENERAL FUND OF THE TOWN OF DRAPER IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Draper in Rockingham County is hereby authorized and empowered to transfer five thousand five hundred dollars ($5,500.00) of surplus monies in the debt service fund of said town to the general fund for application to necessary expenditures incurred for the purpose for which bonds were issued, the proceeds of said bonds being insufficient to meet the unexpected and emergency expenditure.

Sec. 2. The transfer hereinabove authorized shall be made by appropriate resolution of the governing body, which resolution shall declare the finding of fact by the governing body that the amount so transferred is in excess of principal and interest requirements of the current fiscal year and will in no way cause or contribute to any default in payment of principal and interest now or hereafter falling due.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 96 CHAPTER 886

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE RENEWABILITY OF INDIVIDUAL AND BLANKET HOSPITALIZATION AND ACCIDENT AND HEALTH INSURANCE POLICIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-251.1 (b) (8) is hereby repealed.

Sec. 2. A new Section is added to Article 26 of Chapter 58 of the General Statutes to be numbered G. S. 58-251.2 and to read as follows:

"(1) Every individual or blanket family hospitalization policy and accident and health policy, other than noncancellable or nonrenewable policies, issued in North Carolina after January 1, 1956 shall include the following provision:

"Renewability: This policy is renewable at the option of the policyholder unless sufficient notice of nonrenewal is given the policyholder in writing by the insurer.

"Sufficient notice shall be, during the first year of any policy, or during the first year following any lapse and reinstatement, a period of thirty days prior to the premium due date. After one continuous year of coverage and acceptance of premium for any portion of the second or subsequent year sufficient notice shall be a number of full months most nearly equiva-

lent to one-fourth the number of months of continuous coverage from the first anniversary of the date of issue or reinstatement, to the date of mailing of such notice: Provided no period of required notice shall exceed two years.

"The insurer upon a showing of inadequacy of the rates chargeable on such policies upon which notice of nonrenewal has been given, and a finding as to the same by the Commissioner of Insurance, may increase such rates with the approval of the Commissioner. Thereafter, such rates shall be applicable to all policies of the same type, the holders of which receive notice of nonrenewal. The policyholder thereafter must pay the increased rate in order to continue the policy in force. The requirements of this provision shall not apply to refusal of renewal because of change of occupation of the insured to one classified by the company as uninsurable nor to increase in rate due to change of occupation of the insured to a more hazardous occupation.

"(2) No insurance company issuing individual or blanket family hospitalization or accident and health policies of insurance shall have the right to unilaterally restrict coverage, reduce benefits or increase rates upon any contract of hospitalization or accident and health insurance which is subject to the provisions of this Act except as provided herein.

"(3) Any hospitalization or accident and health policy reissued or renewed in the name of the insured during the grace period shall be construed to be a continuation of the policy first issued."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall become effective on and after January 1, 1956.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 158 CHAPTER 887

AN ACT TO AMEND AND CLARIFY CERTAIN SECTIONS OF CHAPTER 122 OF THE GENERAL STATUTES RELATING TO THE OPERATION AND ADMINISTRATION OF THE STATE HOSPITALS FOR THE MENTALLY DISORDERED.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 122-1, Volume 3B of the General Statutes, by inserting after the word "Goldsboro." and before the word "The" in line seven of said Section the following:

"The hospital for the mentally disordered located near Butner shall be and remain a corporation under this name: State Hospital at Butner."

Sec. 2. Amend Section 122-2, Volume 3B of the General Statutes, by adding after the word "Goldsboro," and before the word "and" in line two of said Section the following:

"The State Hospital at Raleigh," and "The State Hospital at Butner,".

Sec. 3. Amend Section 122-27, Volume 3B of the General Statutes, by rewriting said Section so that the same shall hereafter read as follows:

"When any patient of a State Hospital who has been released therefrom

on probation has breached the conditions of his probation, or when any patient has escaped, the superintendent of the hospital shall immediately notify the sheriff and clerk of court of the county from which the patient was committed; if the superintendent has reasonable grounds to believe that the patient is in any other county, he may also notify the sheriff of such county. Upon receipt of such notice, it shall be the duty of the sheriff to return such patient to the hospital from which he has escaped or has been released on probation. The expense of returning such patient shall be borne by the county of such patient's legal settlement."

Sec. 4. Amend Section 122-46, Volume 3B of the General Statutes, by adding a new paragraph at the end of said Section which shall read as follows:

"When a person has been admitted to one of the State Hospitals under the provisions of this Chapter for a period of observation, and when he has been carefully examined and if he is found to be not mentally disordered or not in need of care in a State Hospital, the superintendent of the State Hospital shall immediately report these findings to the Clerk of Superior Court of the county in which such person has residence, who shall order his discharge. The removal of said person from the State Hospital shall be after the notice and in the manner prescribed in Section 122-67."

Sec. 4.(a) Amend Section 122-67 of the 1953 Supplement of Volume 3B of the General Statutes by striking out the second sentence, of the last paragraph thereof and inserting in its place the following: "If the person notified should fail to come for the patient or to remove him from the hospital within a reasonable time, the superintendent shall notify the Clerk of Superior Court of the county in which the patient has or had residence, who shall issue an order to the sheriff of such county directing the sheriff to call for and reconvey him to the county of his residence."

Sec. 5. Amend Section 122-44, of Volume 3B of the General Statutes, by rewriting said Section so that the same shall hereafter read as follows:

"If the affidavit required to be filed by Section 122-42 states that the alleged mentally disordered person is likely to endanger himself or others, he may be taken into custody and detained in his own home, in a private or general hospital, or in any other suitable facility as approved by the local health officer for such detention, upon an order of the clerk of court. He shall not, except because of and during an extreme emergency, be detained in a non-medical facility used for the detention of individuals charged with or convicted of penal offenses, and then only upon an order of the clerk of court, and with notification as soon as practicable to the local health officer.

"The clerk shall expedite the hearing, and, if the alleged mentally disordered person is committed, the transmission of this information to the proper State Hospital, so that the alleged mentally disordered person can be admitted."

Sec. 6. Amend Section 122-46, of Volume 3B of the General Statutes, as amended by Chapter 133 of the Session Laws of 1953, by rewriting the first paragraph of said Section so that the same shall hereafter read as follows:

"When the two physicians shall have certified that the alleged mentally disordered person is in need of observation and admission in a hospital for the mentally disordered, the clerk shall hold an informal hearing. The clerk shall cause to be served on the alleged mentally disordered person a notice of the hearing. The clerk shall have the hearing without unnecessary delay and shall examine the certificates or affidavits of the physicians and any proper witnesses, and at its conclusion may issue an order of commitment on the form approved by the North Carolina Hospitals Board of Control, which shall authorize the hospital to receive said person and there to examine him and observe his mental condition for a period not exceeding thirty days. The clerk may authorize the transfer of said alleged mentally disordered person to the proper hospital, when notified by the superintendent that space is available."

Sec. 7. Amend Section 122-50, of Volume 3B of the General Statutes, so that the same shall hereafter read as follows:

"Section 122-50. Clerk to keep record of examinations and discharges. —The clerk shall keep a record of all examinations of persons alleged to be mentally disordered and he shall record in such record a brief summary of the proceedings and of his findings. He shall also keep a record of all probations and discharges provided for in Article four of this Chapter."

Sec. 8. Amend Section 122-51, of Volume 3B of the General Statutes, so that the same shall hereafter read as follows:

"The following fees shall be allowed to the officers who make the examination and they shall be paid by the county in which the alleged mentally disordered person is settled:

"To the clerk who makes the examination, ten dollars ($10.00), and if the clerk goes to the place where the alleged mentally disordered person is or resides, seven cents (7c) a mile each way in addition. This shall cover his entire costs in taking the examination and making out the necessary papers.

"To the physicians making the examination, the sum of fifteen dollars ($15.00) each. If the county physician is a salaried officer, he is not allowed any fee for his services in this examination.

"The sheriff shall be entitled to such fees as are now allowed by law for service of a process of similar character."

Sec. 9. Amend Section 122-56 of Volume 3B of the General Statutes by inserting a period in place of the comma following the word "year" in line 4 thereof and by deleting the following words: "and in all cases two full suits of underclothing."

Sec. 10. Amend Section 122-62, of Volume 3B of the General Statutes, by inserting after the word "day's" and before the word "notice", in the second line from the bottom of the second paragraph of said Section, the following: "written".

Further amend Section 122-62, of Volume 3B of the General Statutes, by adding at the end of the second paragraph of said Section the following:

"If in the opinion of the examining physician or of the superintendent of the hospital the patient should be admitted for not less than a 30-day period to permit more adequate examination and treatment, the superin-

tendent may have the patient sign the above form to which has been added:

"I understand that I will be admitted for a minimum period of thirty days, and that my written notice of a desire to be discharged will not be effective until the expiration of the thirty-day period."

"When the patient shall have signed this form admitting himself for thirty days, the superintendent may require that the patient remain at the hospital for this full period."

Sec. 11. Amend Section 122-65, of Volume 3B of the General Statutes by striking out the words: "or to the county jail", as the same appear in line six of said Section.

Sec. 12. A new Section of Volume 3B of the General Statutes to be designated 122-8.1 to read as follows:

"No superintendent, physician, psychiatrist or any other officer, agent or employee of any of the institutions or hospitals under the management, control and supervision of the North Carolina Hospitals Board of Control shall be required to disclose any information, record, report, case history or memorandum which may have been acquired, made or compiled in attending or treating an inmate or patient of said institutions or hospitals in a professional character, and which information, records, reports, case histories and memorandums were necessary in order to prescribe for or to treat said inmate or patient or to do any act for him in a professional capacity unless a court of competent jurdisdiction shall issue an order compelling such disclosure: Provided that where a person or persons are defendants in criminal cases and a mental examination of such defendants has been ordered by the court, the North Carolina Hospitals Board of Control through its agents and officers may transmit the results or the report of such mental examination to the clerk of said court and to the solicitor or prosecuting officer and to the attorney or attorneys of record for the defendant or defendants."

Sec. 13. Amending Section 122-63.2, of Volume 3B of the General Statutes, by adding another paragraph at the end of said Section, which said paragraph shall read as follows:

"The Hospitals Board of Control is authorized to enter into reciprocal agreements with other states for the purpose of fixing the requirements whereby a patient under commitment to a state hospital in such other state or states may be released and come into this State while still on conditional release or probation from the state hospital of such other state or states. The said board may also enter into reciprocal agreements with another state or states to fix and establish the requirements whereby a patient under commitment to a State Hospital in this State may be released and go into such other state or states while still on conditional release or probation from a State Hospital in this State. Any such patient so released from a state hospital or other mental institution in another state or states for the purpose of coming into this State shall not be considered to gain residence in this State by any period of time he resides in this State, and a person or patient released from a State Hospital in North Carolina will retain his North Carolina residence or legal settlement during his acceptance in the other state under agreements authorized under this Section. No

members of the State Hospitals Board of Control or the General Superintendent or any physician, psychiatrist, officer, agent or employee of the State Hospitals Board of Control shall be held personally liable for acts done or damages sustained by reason of any official acts done or committed under the authority of this Section."

Sec. 14. Section 122-85, of Volume 3B of the General Statutes, is hereby rewritten so that the same shall hereafter read as follows:

"Section 122-85. Convicts becoming mentally disordered committed to hospital.—All convicts becoming mentally disordered after commitment to any penal institution in this State shall be admitted to the hospital designated in Section 122-83. The same commitment procedure as prescribed in Article 3 of this Chapter shall be followed except that temporary authority for admission of the convict may be given by the clerk of court of the county in which the prison is located, that the prisoner need not be removed from the prison for a hearing, and that the clerk of court of the county from which the convict was sentenced shall issue the order of commitment.

"In case of the expiration of the sentence of any convicted mentally disordered person, while such person is confined in said hospital, such person shall be kept in said hospital until discharged, as provided by Section 122-67 and Section 122-68."

Sec. 15. Chapter 1087, of the Session Laws of 1953, as the same appears in G. S. 50-5 of the Cumulative Supplement of 1953, of Volume 2A of the General Statutes, is hereby amended by striking out the period appearing after the word "confined", at the end of the first paragraph of said Section, and by inserting in lieu thereof a semicolon and the following:

"and provided further that a sworn statement signed by said staff member or said superintendent of the institution wherein the insane spouse is confined shall be admissable as evidence of the facts and opinions therein stated as to the mental status of said insane spouse and as to whether or not said insane spouse is suffering from incurable insanity, or the parties according to the laws governing depositions may take the deposition of said staff member or superintndent of the institution wherein the insane spouse is confined."

Sec. 16. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 17. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 246 CHAPTER 888

AN ACT TO REPEAL CERTAIN LICENSE TAXES ON FISHING APPLIANCES AND TO MODIFY CERTAIN LICENSE TAXES ON FISHING BOATS.

The General Assembly of North Carolina do enact:

Section 1. The first sentence subsection (a) of Section 113-174.2 of the General Statutes is hereby amended to read as follows:

"Every person, firm or corporation, before engaging in any commercial fishing in the State, shall file with an inspector of the county in which he desires to fish, or with the Commissioner of Commercial Fisheries or any of his assistants, a sworn statement setting forth the number and kind of boats intended to be used in commercial fishing."

Sec. 2. Section 113-174.4 of the General Statutes is hereby repealed.

Sec. 3. Section 113-174.7 of the General Statutes is hereby amended by rewriting the Section to read as follows:

"There is hereby levied annually upon each trawl boat, dredge boat, motor boat and haul boat using commercial fishing equipment a tax as follows:

"(a) A tax of two dollars and fifty cents ($2.50), each, on boats up to and including eighteen (18) feet in overall length.

"(b) A tax of fifty cents (50c) per foot of overall length on boats having an overall length in excess of eighteen (18) feet and up to and including twenty-six (26) feet.

"(c) A tax of seventy-five cents (75c) per foot of overall length on boats having an overall length in excess of twenty-six (26) feet."

Sec. 3½. Section 113-174.8 of the General Statutes is hereby amended by rewriting the first sentence of the Section to read as follows:

"Except as provided in Section 113-174.7, no tax shall be levied or collected from bona fide residents or citizens of this State who take fish, oysters, clams, escallops, or crabs other than with dredges for his own personal or family use and consumption."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective on January 1, 1956, and shall apply to all years beginning after December 31, 1955.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 733 CHAPTER 889

AN ACT AMENDING G. S. 15-47 RELATING TO THE DUTY OF ARRESTING OFFICERS TO INFORM THE OFFENDER OF THE CHARGE AGAINST HIM, TO ALLOW BAIL EXCEPT IN CAPITAL CASES AND TO PERMIT COMMUNICATION WITH COUNSEL OR FRIENDS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 15-47, as the same appears in Volume 1C of the General Statutes, be and the same is hereby amended by adding at the end of the first paragraph thereof the following:

"Provided that in no event shall the prisoner be kept in custody for a longer period than twelve hours without a warrant."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 865 CHAPTER 890

AN ACT TO AMEND CHAPTER 335 OF THE PUBLIC-LOCAL LAWS OF 1931, RELATING TO THE RECORDER'S COURT OF LEAKSVILLE TOWNSHIP, IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 335 of the Public-Local Laws of 1931 is hereby rewritten so that the same shall hereafter read as follows:

"Sec. 2. On the first Monday in May, 1931, and each odd year thereafter the County Commissioners of Rockingham County shall appoint a clerk for said recorder's court who shall begin his term of office on the first day of June thereafter and shall serve two years and until his successor is appointed and qualified. The clerk for his compensation shall receive as follows: One dollar and fifty cents ($1.50) for all warrants issued within the jurisdiction of a justice of the peace, and three dollars ($3.00) for all warrants issued in matters above the jurisdiction of a justice of the peace; one dollar ($1.00) for all summons in civil actions and three dollars ($3.00) in all attachments and claim and delivery."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 936 CHAPTER 891

AN ACT TO AMEND SECTION 163-84 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE COUNTING OF BALLOTS IN PRIMARIES AND GENERAL ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 163-84 be amended by striking out all of the last sentence in the first paragraph thereof and that said Section be further amended by striking out all of the second paragraph thereof and by substituting the following paragraph therefor:

"The county board of elections of any county may, by a majority vote, authorize the use of precinct ballot counters to aid the registrars and judges of election in the counting of the ballots in any precinct or precincts within the county and such ballot counters, to the extent of the number designated by the county board of elections, may be selected by the county board of elections or the registrars as the county board may direct. Upon acceptance of the appointment as ballot counters, such persons shall appear

before the registrar at the polling place immediately at the close of the polls and take an oath administered by the registrar to support the Constitution of the United States and the Constitution of North Carolina not inconsistent therewith and that they will honestly discharge the duties of ballot counter and will fairly and honestly tabulate the votes as cast in said primary or election. In a general election one ballot box may be emptied at a time upon a table and all those ballots marked as a straight party vote for all of the candidates of one party may be put into one pile and each such ballot counted as one vote for each candidate on said ballot of such party as marked in the party circle above, and shall be so tallied on the tally sheet. All split-voted ballots - that is for candidates of more than one party - shall be called out and tallied according to the manner in which they are marked for the individual candidates. All questions arising upon the counting of the votes or the tabulation thereof as to how a ballot shall be counted shall be referred to the registrar and judges of election for determination before the completion of the counting of a box. More than one box may be counted at a time by the precinct officials, clerks, and ballot counters, but the registrar and judges of election shall have supervision over the counting of all boxes and be responsible for them. Before any primary or election the chairman of the county board of elections shall furnish to each registrar written instructions on how ballots shall be marked and counted under the provisions of the law. Before the counting of the ballots begins the registrar shall properly instruct all of the ballot counters, clerks and judges on how differently marked ballots shall be counted and tallied. The counting of the ballots in each box shall be made in the presence of the election officials, witnesses and watchers who are present and who may desire to watch same. Provided, that in all primary elections, when the counting of the ballots begins after the polls close, one ballot shall be taken at a time from the ballot box by one of the election officials named herein and opened in full view of all of the election officials and witnesses present, and the name of each candidate voted for shall be read aloud distinctly. The vote received by each candidate shall be tallied on the tally sheet. This same procedure for counting the ballots shall apply to all the ballot boxes being counted at the same time in a primary election."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 975 CHAPTER 892

AN ACT PROVIDING FOR THE EXERCISE OF POWERS BY POLICE OFFICERS OF THE TOWN OF ROSEBORO IN SAMPSON COUNTY ANYWHERE WITHIN ONE AND ONE-HALF MILES BEYOND THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The police officers of the Town of Roseboro in Sampson County shall have, in all that territory embraced within one (1) mile in all directions of the present corporate limits of said town, all the powers and authority which they now exercise within the corporate limits of said town.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 992 CHAPTER 893

AN ACT TO BAR THE COLLECTION OF TAXES IN DARE COUNTY FOR THE YEAR 1941 AND THE YEARS PRIOR THERETO.

The General Assembly of North Carolina do enact:

Section 1. No action shall be maintained by Dare County to enforce any remedy provided by law for the collection of taxes for the year 1941 or any years prior thereto, or the enforcement of any tax liens held by Dare County with respect to taxes for such years, whether such taxes or tax liens are evidenced by the original tax books or tax sales certificates or otherwise.

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. This Act shall apply only to Dare County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 1009 CHAPTER 894

AN ACT TO AMEND CHAPTER 57 OF THE GENERAL STATUTES AUTHORIZING CERTAIN CONTRACTS FOR JOINT ASSUMPTION OR UNDERWRITING OF RISKS AND PAYMENT OF PREMIUMS JOINTLY OR SEVERALLY BY EMPLOYERS AND EMPLOYEES AND BY PRINCIPALS AND AGENTS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 57 of the General Statutes, Volume 2B, is hereby amended by adding a new Section immediately following G. S. 57-1, to be designated as G. S. 57-1.1, to read as follows:

"G. S. 57-1.1. Contract for joint assumption or underwriting of risks. —Any corporation organized or regulated by the provisions of this Chapter is authorized to enter into such contracts with any other firm or corporation for joint assumption or underwriting of any part or all of any risks undertaken upon such terms and conditions as are approved by the Commissioner of Insurance."

Sec. 2. Chapter 57 of the General Statutes, Volume 2B, is hereby further amended by adding a new Section immediately following G. S. 57-1.1 to be designated as G. S. 57-1.2 and to read as follows:

"G. S. 57-1.2. Any premium or dues charged by a corporation regulated under the provisions of this Chapter may be paid by the employer, employee, principal, or agent, or jointly and severally. The term "employer" as used herein includes counties, municipal corporations, and all departments or subdivisions of the State, county, municipal corporation, and official boards including City and County Boards of Alcoholic Control, together with all others occupying the status of employer and employee, principal and agent."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 1011 CHAPTER 895

AN ACT AUTHORIZING THE FAYETTEVILLE CITY SCHOOL BOARD TO INCLUDE IN ITS BUDGET AND TO EXPEND FUNDS FOR MAINTENANCE AND CONSTRUCTION AT NEWBOLD ELEMENTARY SCHOOL LOCATED ON THE CAMPUS OF FAYETTEVITTE STATE TEACHERS COLLEGE.

WHEREAS, Newbold Elementary School is located on the campus of Fayetteville State Teachers College and is operated as a part of the school system of the Fayetteville Administrative Unit for the benefit of pupils in grades one through seven, living in the section of the City of Fayetteville in which Fayetteville State Teachers College is located and who are assigned to said school by the Fayetteville City Board of Education; and

WHEREAS, the buildings in which said school is operated were originally constructed as a joint project by the State of North Carolina and the Fayetteville City Administrative Unit; and

WHEREAS, if the Fayetteville City Administrative Unit should be denied the use of such buildings, it would be necessary for said administrative unit to construct additional buildings elsewhere; and

WHEREAS, said school provides facilities for practice teaching for the students of Fayetteville State Teachers College; and

WHEREAS, it is mutually advantageous to Fayetteville State Teachers College and to the Fayetteville City Administrative School Unit to continue to operate such school as a joint project: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Fayetteville City Board of Education be and it is hereby authorized and empowered to include in both its current expense budget and its capital outlay budget funds for maintenance and constuction at Newbold Elementary School located on the campus of Fayetteville State Teachers College; and the tax levying authorities be and they are hereby authorized and empowered to allow such items in the budgets of the Fayetteville City Administrative School Unit.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 1020 CHAPTER 896

AN ACT AMENDING CHAPTER 1026, SESSION LAWS OF 1949, RELATING TO THE SALARY AND DUTIES OF THE CLERK OF THE RECORDER'S COURT OF PERQUIMANS COUNTY AND AUTHORIZING THE APPOINTMENT OF DEPUTY CLERKS OF SAID COURT.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 1026 of the Session Laws of 1949 be, and the same is, hereby rewritten to read as follows:

"Sec. 2. The Board of County Commissioners of Perquimans County shall appoint some suitable person to serve as the clerk of the recorder's court of said county, and is authorized to fix the salary of said clerk in an amount not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) per month, as in its discretion it may deem proper. The clerk of the recorder's court so appointed shall possess all of the powers and functions conferred upon and shall discharge all of the duties required of Clerks of the Superior Court acting as ex officio clerks of recorder's courts under the general law relating to recorder's courts. His term of office shall be for the same time as the term of the recorder of said court unless sooner removed by the board of county commissioners for cause."

Sec. 2. That Section 3 of Chapter 1026 of the Session Laws of 1949 be, and the same is, hereby rewritten to read as follows:

"Sec. 3. That upon appointment of the clerk of the recorder's court as above set out the said clerk of the recorder's court is authorized to appoint a deputy clerk or deputy clerks, which said appointment or appointments shall be subject to the approval of the board of county commissioners. The salary or salaries of said deputy or deputies shall be set by the board of county commissioners. The said deputy or deputies appointed under this Act shall have power and authority to take affidavits, issue warrants and other processes, administer oaths to witnesses and to perform any other duty in connection with said court under the direction of the clerk of the recorder's court. The term of office of said deputy clerk or

clerks shall be for the same time as the term of the clerk of the recorder's court unless sooner removed by the clerk of the recorder's court or board of county commissioners for cause."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 1062 CHAPTER 897

AN ACT TO AMEND G. S. 105-324 AND TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY AND THE GOVERNING BOARD OF THE CITY OF CHARLOTTE TO AMEND AND REVISE CERTAIN PROPERTY TAX RECORDS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Mecklenburg County and the governing board of the City of Charlotte, or either of them, are authorized, in their discretion, to discontinue the printing on the tax bill and receipt of an itemized list of all purposes or funds for which the county and/or the city tax is levied as required by paragraph (e) of G. S. 105-324, and in lieu thereof, the Board of County Commissioners of Mecklenburg County and/or the governing board of the City of Charlotte, or either of them, in their discretion, may have such information printed on separate sheets of paper, properly itemized, and mailed as an enclosure to all taxpayers when original tax bills are mailed to such taxpayers.

Sec. 2. This Act shall apply only to Mecklenburg County and the City of Charlotte.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 1072 CHAPTER 898

AN ACT TO FIX THE FEES OF JUSTICES OF THE PEACE IN CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The various justices of the peace of Camden County shall

charge and collect fees for the performance of their official functions, duties and issuance of legal documents and papers as follows:

Warrant	$1.25
Affidavit	1.00
Trial	2.00
Arrest	2.50
State fee	2.00
Motor Vehicle Tax extra if arrest by State Highway Police	.50

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 1090 CHAPTER 899

AN ACT TO FIX FEES, COSTS AND COMMISSIONS TO BE CHARGED AND COLLECTED BY THE CLERK OF THE SUPERIOR COURT AND CLERK OF THE ANSON COUNTY CRIMINAL COURT, AND OTHER PUBLIC OFFICERS OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Fees, costs and commissions to be charged and collected by the Clerk of the Superior Court of Anson County for services rendered by him and paid by him into the general fund of the county, shall be as hereinafter set out: Provided, that when a fee, cost or commission is not fixed herein such fee, cost or commission shall be charged as set out in the General Statutes of North Carolina, and the fees, costs and commissions herein set out shall be charged and collected by the Clerk of Anson County.

Sec. 2. Civil Bill of Costs. Adoptions, entire proceeding, ten dollars ($10.00); attachment, order in, fifty cents (50c); arrest, order of, one dollar ($1.00); affidavit, including jurat and certificate, fifty cents (50c); appeal from justice, one dollar ($1.00) plus ten cents (10c) for each additional defendant; appeal from clerk to judge, one dollar ($1.00) plus ten cents (10c) for each additional defendant; appeal to Supreme Court, including certificate and seal, two dollars ($2.00); auditing final accounts of trustees, commissioners, mortgagees or other persons, firms, or corporations selling real estate under foreclosure proceedings or order of sale, the fee shall be twenty-five cents (25c) on each one hundred dollars ($100.00) through one thousand dollars ($1,000.00) and ten cents (10c) for each one hundred dollars ($100.00) above one thousand dollars ($1,000.00), provided minimum one dollar and fifty cents ($1.50) and maximum twenty-five dollars ($25.00); bond, including justification, sixty cents (60c); caveat to a will, entering and docketing, two dollars and fifty cents ($2.50), plus ten cents (10c) each additional defendant; certificate, fifty cents (50c); commission, issuing, seventy-five cents (75c); commissions, clerk's, three per cent (3%) on sums up to five hundred dollars ($500.00), and one per cent (1%) on sums above

five hundred dollars ($500.00) paid Clerk of the Superior Court by virtue of office except on judgment, decrees, and executions; continuance, thirty cents (30c); copies of records, fifty cents (50c) per page and fifty cents (50c) per page for verification and certificate; costs, preparing bill, twenty-five cents (25c); ex parte proceedings, docketing, fifty cents (50c); execution, one dollar ($1.00); execution to another county, one dollar and fifty cents ($1.50); execution, sheriff's return, fifty cents (50c); filing each paper, ten cents (10c); guardian ad litem, appointment, one dollar ($1.00); hearing before clerk, minimum, one dollar ($1.00); indexing, each name, ten cents (10c); injunction order, including bond and justification, one dollar ($1.00); jury impanelling, twenty-five cents (25c); judgment by confession, three dollars ($3.00); judgment final, in all civil actions, one dollar ($1.00); judgment final before clerk, fifty cents (50c); judgment in favor of widow's year's support, fifty cents (50c); judgment, docketing, fifty cents (50c); judgment, transcript of from justice of peace court, fifty-five cents (55c); judgment, transcript of to another county, one dollar ($1.00); lis pendens and liens, one dollar and fifty cents ($1.50) per page plus fifty cents (50c) each additional page; motion, entry and record of, twenty-five cents (25c); notary public, qualifying, indexing and notification to Governor, one dollar and forty cents ($1.40); notice, twenty-five cents (25c); notice, for each name over one in same paper, ten cents (10c); next friend, appointment of, one dollar ($1.00); order, interlocutory, twenty-five cents (25c); order of arrest, one dollar ($1.00); probate of deed, deed of trust, mortgages, et cetera, twenty-five cents (25c) each grantor or certificate; prosecution bond for costs and justification, one dollar ($1.00); pauper order, one dollar ($1.00); recording, per double space copy sheet, one dollar ($1.00); seal of office, twenty-five cents (25c); summons, original or other process, including all names herein, one dollar ($1.00); summons, copy, twenty-five cents (25c); summons, docketing, twenty-five cents (25c); subpoena, each name, fifteen cents (15c); seal and certificate, fifty cents (50c); sale, confirmation of, one dollar ($1.00); transcript of any matter of record, copy sheets, each, one dollar ($1.00); transcript to Supreme Court, copy sheets, each, ten cents (10c); widow's year's support, docketing, one dollar ($1.00); jury tax, fifteen dollars ($15.00); stenographer, county tax, five dollars ($5.00); advance costs, six dollars and fifty cents ($6.50) plus two dollars ($2.00) for each defendant, except in divorce actions where no prosecution bond, eighteen dollars ($18.00).

Sec. 3. Probate Bill of Costs. Affidavits, twenty-five cents (25c), plus twenty-five cents (25c) for seal; auditing annual accounts (under eleven thousand dollars ($11,000.00), twenty-five cents (25c) each one hundred dollars ($100.00) on receipts and disbursements through one thousand dollars ($1,000.00), then five cents (5c) on each one hundred dollars ($100.00)); over eleven thousand dollars ($11,000.00), one tenth of one per cent (.1 of 1%) on receipts and disbursements. Fees shall be not less than one dollar ($1.00) nor more than twenty-five dollars ($25.00). Recording and filing, one dollar and twenty-five cents ($1.25) plus one dollar ($1.00) each additional page; appeal from clerk to judge, fifty cents (50c); caveat to will, one dollar ($1.00); certified copies of letters (each) seventy-five

cents (75c); citation to file account or inventory (each), seventy-five cents (75c); copies of records, fifty cents (50c) per page plus fifty cents (50c) per page for verification; filing widow's year's allowance: One dollar ($1.00) per page for recording report in office minute docket, ten cents (10c) for filing and ten cents (10c) for indexing; auditing final accounts, fifty cents (50c) for each one hundred dollars ($100.00) of receipts and disbursements and distribution through one thousand dollars ($1,000.00) and ten cents (10c) per one hundred dollars ($100.00) for fraction over one thousand dollars ($1,000.00). Not less than two dollars ($2.00) (all personal property to be figured whether or not converted into cash). Filing and recording one dollar and twenty-five cents ($1.25) plus one dollar ($1.00) each additional page; guardian, notifying solicitor of removal, one dollar ($1.00); hearing before Clerk of the Superior Court, one dollar ($1.00) per hour, minimum, two dollars ($2.00); inventory (filing, indexing and recording one dollar and eighty-five cents ($1.85) plus one dollar ($1.00) each additional page.); indexing all matters, ten cents (10c); judgment, one dollar ($1.00) plus recordation and indexing; motion, twenty-five cents (25c); open lock box, two dollars ($2.00); order, twenty-five cents (25c) plus recordation and filing; probate of will, one dollar ($1.00); preparing bill of costs, twenty-five cents (25c); qualifying as personal representative (including bond and justification of sureties) three dollars and seventy-five cents ($3.75); recording will, one dollar ($1.00) per page; service of citation by officer, two dollars ($2.00).

Sec. 4. Criminal Bill of Costs. Affidavit, twenty-five cents (25c); appeal from justice of peace or Anson County Criminal Court, fifty cents (50c); appeal to Supreme Court, two dollars ($2.00); bill of costs, fifty cents (50c); bond, seventy-five cents (75c); capias, one dollar ($1.00); certificate on indictment, twenty-five cents (25c); continuance, thirty cents (30c); docketing and filing, thirty-five cents (35c); docketing and indexing, thirty-five cents (35c); highway certificate, fifty cents (50c); impanelling the jury, twenty-five cents (25c); indictment, each defendant, seventy-five cents (75c); judgment nisi, twenty-five cents (25c); motions, twenty-five cents (25c); presentment, each defendant, thirty-five cents (35c); recognizance, twenty-five cents (25c); recording in minutes, one dollar ($1.00; sci fa, fifty cents (50c); seals, twenty-five cents (25c); search warrant, seventy-five cents (75c); subpoenas, fifteen cents (15c); verdict and judgment, one dollar ($1.00); warrant, seventy-five cents (75c); jury tax, fifteen dollars ($15.00); solicitor's fee in Anson County Criminal Court, four dollars ($4.00).

Sec. 5. There shall be paid to the Sheriff of Anson County the following fees and costs for the services enumerated which shall be paid by him to the Clerk of Superior Court of Anson County who in turn shall pay them into the general fund of the county, to wit: Serving warrant, two dollars ($2.00) per name; serving capias, two dollars ($2.00); serving claim and delivery, two dollars ($2.00) and two dollars ($2.00) for each additional defendant; serving sci fa, one dollar ($1.00) per name; serving summons, two dollars ($2.00) per name; serving order, two dollars ($2.00) per name; serving notice, two dollars ($2.00) per name; serving subpoenas, fifty

cents (50c) for each person served; serving warrant of attachment levying two dollars ($2.00) plus two dollars ($2.00) for each additional defendant; execution for eviction, two dollars ($2.00); garnishment, one dollar ($1.00) per name; ejectment, three dollars ($3.00); collection of execution, three per cent (3%) of amount collected; order or writ not otherwise covered or provided for, two dollars ($2.00); summoning appraisers in homestead and personal property exemption, six dollars ($6.00).

Sec. 6. Except as hereinbefore provided, the fees and costs payable to the Sheriff of Anson County shall remain as now provided by law.

Sec. 7. Justice of the Peace in Anson County shall receive the following fees and none other:

Bill of Costs in Civil Actions: Continuance, fifteen cents (15c); issuing summons and entering judgment where the action is not contested, two dollars and ten cents ($2.10); additional defendant, each, twenty-five cents (25c); plaintiff's undertaking, fifty cents (50c); defendant's undertaking, fifty cents (50c); order for removal, fifty cents (50c); issuing subpoena each witness, fifteen cents (15c); judgment contested each where there is no jury trial, one dollar ($1.00); summary ejectment, one defendant, three dollars ($3.00) plus one dollar ($1.00) each additional defendant; transcript of judgment each, twenty-five cents (25c); issuing execution of judgment, fifty cents (50c); return notice on appeal, fifty cents (50c); jury trial and entering judgment, five dollars ($5.00); order for jury and drawing jury, seventy-five cents (75c); claims and delivery proceeding each, four dollars ($4.00) when there is no contest and judgment but six dollars ($6.00) when there is a contest; additional contesting defendants each, fifty cents (50c); issuing attachment proceedings and order to seize property, each, three dollars ($3.00); judgment contested each, three dollars and fifty cents ($3.50); additional contesting defendants, each, fifty cents (50c); signing garnishee notice for taxes for each person, twenty-five cents (25c); probate of deed, chattel mortgage or deed of trust for each signer thereof, twenty-five cents (25c); hearing petition for widow's year's allowance, issuing notice to commissioners, allotting the same making returns, two dollars ($2.00); filing and docketing laborer's lien, seventy-five cents (75c).

Bill of Costs in Criminal Actions: Return to notice of appeal, fifty cents (50c); continuance, fifteen cents (15c); affidavit each, twenty-five cents (25c); warrant each, seventy-five cents (75c); issuing subpoena each witness, fifteen cents (15c); commitment each, fifty cents (50c); recognizance each, twenty-five cents (25c); judgment not contested each defendant, one dollar and fifty cents ($1.50); judgment contested, each, where there is no jury trial, two dollars ($2.00); order for removal, fifty cents (50c); taking bond for each defendant, fifty cents (50c); capias and order, one dollar ($1.00); jury trial and entering judgment, two dollars ($2.00); order for jury and drawing jury, seventy-five cents (75c); scire facias each, one dollar ($1.00).

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 9. This Act shall apply to Anson County only and shall be and become effective on the first day of July, 1955 subsequent to the ratification of this Act.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

H. B. 1106 CHAPTER 900

AN ACT TO REGULATE THE PAYMENT OF TAXES IN MITCHELL COUNTY AND TO CANCEL AND ABATE CERTAIN INTEREST AND PENALTIES ON DELINQUENT TAXES IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Mitchell County be and it is hereby authorized and empowered, in its discretion, to cancel, waive and abate any and all interest, penalties and costs on all delinquent taxes for the year of 1954, and prior thereto, provided said delinquent taxes are paid in full on or before January 1, 1956.

Sec. 2. That no foreclosure proceedings on tax sale certificates or liens for delinquent taxes for the year of 1954, and tax years prior thereto, shall be instituted in Mitchell County or shall be further perfected or carried out, provided said taxes are paid in full on or before January 1, 1956, and said taxpayers shall have until said date in which to pay such taxes.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. B. 66 CHAPTER 901

AN ACT TO DEFINE THE REASONS FOR WHICH REAL PROPERTY MAY BE REASSESSED FOF AD VALOREM PROPERTY TAX PURPOSES IN YEARS IN WHICH NO GENERAL REVALUATION IS BEING HELD.

The General Assembly of North Carolina do enact:

Section 1. Subsection (3) of Section 105-279 of the General Statutes is striken out and the following substituted therefor:

"(3) All real property (which for purposes of taxation shall include all lands within the State and all buildings and fixtures thereon and appurtenances thereto) which:

"(a) Was not assessed at the last quadrennial assessment.

"(b) Has increased in value to the extent of more than one hundred dollars ($100.00) by virtue of improvements or appurtenances (other than those listed in G. S. 105-294) added since the last assessment of such property.

"(c) Has decreased in value to the extent of more than one hundred dollars ($100.00) by virtue of improvements or appurtenances (other than those listed in G. S. 105-294) damaged, destroyed, or removed since the last assessment of such property.

"(d) Has increased or decreased in value to the extent of more than one hundred dollars ($100.00) by virtue of circumstances other than general economic increases or decreases since the last assessment of such property. In each such case the facts in connection with the increase or decrease in value of the specific tract, parcel, or lot shall be found by the Board of Equalization and entered upon the proceedings of said board.

"(e) Has been subdivided into lots located on streets already laid out and open for travel, and sold or offered for sale as lots, since the date of the last assessment of such property. Provided, that where lands have been subdivided into lots, and more than five acres of any such subdivision remain unsold by the owner thereof, the unsold portion may be listed as land acreage in the discretion of the tax supervisor. The provisions of this subsection shall apply to all cases of subdivision into lots, regardless of whether the land is situated within or without an incorporated municipality.

"(f) Was last assessed at an improper figure as the result of a clerical error.

"(g) Was last assessed at an improper figure as the result of an error in the listing of the number of acres in the tract or parcel or in the listing of the dimensions of the lot. In each such case the facts in connection with the error shall be found by the Board of Equalization and entered upon the proceedings of said board.

"(h) Was last assessed at a figure which (when compared with the assessment placed upon similar property in the county) was manifestly unjust at the time so assessed: Provided, that the power to reassess under this subdivision shall be exercised only by the Board of Equalization and Review, subject to appeal to the State Board of Assessment; provided, further, that no reassessment under the powers granted by this Section shall be retroactive beyond the current year."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

S. B. 253 CHAPTER 902

AN ACT TO AMEND CHAPTER 58, SECTION 44.2 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE LICENSING OF NONRESIDENT INSURANCE BROKERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-44.2 is amended by:

(a) Adding the words "has not after January 1, 1955 and" imme-

diately following the word "he" and immediately preceding the words "will not" in the fifth line of the Section;

(b) Striking out the word "place" immediately following the word "license" and immediately preceding the word "directly" in the sixth line of the Section and substituting therefor the word "solicit";

(c) Adding the words "in this State, nor will he place" immediately following the word "indirectly" and immediately preceding the word "any" in the sixth line of the Section;

(d) Striking out the period following the word "such" in line eight of said Section, substituting a comma therefor, and adding the following words: "and that neither he nor any member of the agency or corporation is an employee or active officer of an insurance company" at the end of the sentence ending with the word "such" on the eighth line of the Section.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

S. B. 295 CHAPTER 903

AN ACT TO AUTHORIZE THE SCHOOL COMMITTEE OF ANY SCHOOL DISTRICT OF JOHNSTON COUNTY, WITH THE APPROVAL OF THE COUNTY BOARD OF EDUCATION, TO OPERATE SCHOOLS OF A HIGHER STANDARD THAN THAT PROVIDED BY THE STATE.

The General Assembly of North Carolina do enact:

Section 1. When funds available to any school in Johnston County, arising out of and from any special levy of taxes intended and set aside for use of vocational education or the establishment of a lunchroom, and where the vocational education and lunchrooms have been provided for those schools having such additional funds, the funds belonging to such school may, in order to operate schools of a higher standard than that provided by the State, be used for such additional higher standards in the discretion of the school committee of said district and subject to the approval of the Board of Education of Johnston County.

Sec. 2. Provision has heretofore been made for such use of additional funds by the Archer Lodge School District, in Public Laws of 1949, Chapter 765; and for the Brogden School District in Public Laws of 1951, Chapter 208, and the authority above conferred shall apply to all other schools in Johnston County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

S. B. 335 **CHAPTER 904**

AN ACT TO CREATE A YOUTH SERVICE BOARD AND PRESCRIBE ITS DUTIES.

The General Assembly of North Carolina do enact:

Section 1. The Governor of North Carolina is hereby authorized to appoint a commission of five members to be known as the Governor's Youth Service Commission. This commission, when appointed, shall continue until June 30, 1957.

Sec. 2. The purposes, powers and duties of the commission are as follows:

(1) The commission shall advise the Governor on all matters pertaining to the prevention, correction and control of juvenile delinquency.

(2) The commission, no later than July 1, 1956, shall make recommendations to the Governor of North Carolina as to necessary legislation for the prevention and control of juvenile delinquency, and the supervision, training, care, correction and treatment of juvenile delinquents.

(3) The commission shall establish standards for juvenile court judges and shall transmit these recommended standards to the several boards of county commissioners and municipal governing boards in the State, who shall be guided by these standards.

(4) The commission shall be available to consult with the officials of counties and cities for the purpose of encouraging regional detention homes, juvenile courts and other facilities for the treatment of juvenile delinquency.

(5) The commission shall cooperate with all agencies with programs designed to curb, control and correct juvenile delinquency and help promote coordination of said programs.

(6) The commission shall encourage the development of programs within counties and cities by local agencies, governments, organizations, groups, and individuals, designed to curb, control and correct juvenile delinquency.

Sec. 3. The chairman of the commission shall be designated by the Governor.

Sec. 4. The members of the commission shall receive the payment necessary per diem and travel allowance as is prescribed by law for the officers and employees of the State.

Sec. 5. The Governor, with the approval of the Council of State, is authorized to allocate funds from the contingency and emergency fund to pay necessary expenses in carrying out the purposes of this Act.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

S. B. 430 CHAPTER 905

AN ACT TO AMEND G. S. 58-155.1 OF THE GENERAL STATUTES RELATING TO THE MERGER OR CONSOLIDATION OF INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

Section 1. Subsection 2 of G. S. 58-155.1 is hereby stricken out and rewritten to read as follows:

"2. Reinsurance of all or substantially all of the insurance in force of a domestic insurer by another insurer under an agreement whereby the reinsuring company succeeds to all of the liabilities of and supplants the domestic insurance company thereon shall be deemed a consolidation for the purposes of this Section, unless the commissioner, after such investigation as he may deem expedient to make, finds that a consolidation would:

(a) Not be in the best interests of the policyholders of either of the insurers, or

(b) Not be in the best interests of the public, or

(c) Prevent reinsurance which would otherwise be for the best interests of the policyholders or the public.

(d) Result in the reinsurance of a solvent company."

Sec. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

S. B. 438 CHAPTER 906

AN ACT AMENDING THE COUNTY FINANCE ACT SO AS TO AUTHORIZE COUNTIES TO BORROW MONEY FOR EXPENSES OF REVALUATION AND REASSESSMENT OF PROPERTY, APPLICABLE TO LINCOLN COUNTY ONLY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-77, as the same appears in Volume 3C of the General Statutes, and the 1953 Supplement thereto, be and the same is hereby amended by adding the following clause at the end of said Section:

"(o) Revaluation and reassessment of real property for taxation as provided in G. S. 105-278, as amended."

Sec. 2. That G. S. 153-80, as the same appears in Volume 3C of the General Statutes and the 1953 Supplement thereto, be and the same is hereby amended by adding the following clause at the end of said Section:

"(i) Revaluation and reassessment of real property for taxation as provided in G. S. 105-278, as amended, five years."

Sec. 3. That the authority given to counties to issue bonds and notes pursuant to the County Finance Act for the purpose stated in clause (o)

of G. S. 153-77, being the amendment to said Section as contained in Section 1 of this Act, shall be in addition to and not in substitution for any other authority given by law for the issuance of bonds or notes: Provided all such bonds and notes shall be approved by the Local Government Commission and sold by said commission as provided in the Local Government Act.

Sec. 4. The provisions of this Act shall apply to Lincoln County only and said county shall not issue more than forty thousand dollars ($40,000.00) of its bonds or notes for the purpose stated in clause (o) of G. S. 153-77, being the amendment contained in Section 1 of this Act.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 9 **CHAPTER 907**

AN ACT TO MAKE APPROPRIATIONS FOR THE MAINTENANCE OF THE STATE'S DEPARTMENTS, BUREAUS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

GENERAL FUND

Section 1. That appropriations out of the GENERAL FUND of the State for the maintenance of the State's departments, bureaus, institutions, and agencies, and for other purposes as enumerated are hereby made for the two fiscal years ending June thirtieth, nineteen hundred fifty-six and June thirtieth, nineteen hundred fifty-seven respectively, according to the following schedule:

I. LEGISLATIVE

	1955-56	1956-57
1. General Assembly	$	$ 523,840

II. JUDICIAL

1. Supreme Court—Justices	112,500	112,500
2. Supreme Court—Departmental Expense .	84,042	85,757
3. Supreme Court—		
Printing Reports and Reprints	28,800	28,800
4. Superior Courts—Judges	508,833	508,833
5. Superior Courts—Solicitors	181,650	181,650

III. EXECUTIVE AND ADMINISTRATIVE

1. Governor's Office:		
(1) Governor's Office	78,637	78,944
(2) The Budget Bureau	184,736	201,185
(3) Division of Purchase and Contract .	111,557	113,197

		1955-56	1956-57
	(4) Salary Lieutenant Governor	—0—	1,550
	(5) Department of Personnel	113,414	113,422
2.	Secretary of State	66,298	67,962
3.	State Auditor	142,309	144,685
4.	State Treasurer	128,172	130,624
5.	Department of Justice:		
	(1) Attorney General	$ 133,019	$ 136,370
	(2) Bureau of Investigation	230,290	228,630
	(3) General Statutes Commission	3,130	3,130
6.	Department of Revenue	2,352,775	2,392,273
7.	Department of Tax Research	56,003	61,188
8.	Department of Public Instruction	403,911	409,646
9.	Department of Archives and History	154,692	156,244
10.	State Library	28,195	28,387
11.	Library Commission	41,223	41,477
12.	Board of Public Welfare	288,827	296,714
13.	State Board of Health	2,326,457	2,474,131
14.	Adjutant General:		
	(1) Adjutant General	410,482	413,424
	(2) North Carolina Armory Commission	15,085	15,085
15.	Utilities Commission	226,648	229,472
16.	Insurance Department	240,042	245,544
17.	Department of Labor:		
	(1) Department of Labor	359,887	366,085
	(2) Industrial Commission	227,704	227,066
18.	Department of Conservation and Development:		
	(1) Department of Conservation and Development	1,810,620	1,803,723
	(2) Commercial Fisheries	104,866	101,561
	(1) Shellfish Division	43,664	43,940
	(3) Scientific Research in Economics of Fisheries Industry	—0—	—0—
19.	State Board of Elections	21,639	22,535
20.	Local Government Commission	39,217	40,417
21.	Department of Agriculture Contribution from General Fund	910,695	903,651
22.	Retirement Teachers and State Employees Administration	115,915	117,148
23.	Board of Public Buildings and Grounds	513,209	520,525
24.	State Board of Alcoholic Control	384,608	390,474
25.	State Commission for the Blind	793,848	807,943
26.	Rural Electrification Authority	63,894	64,213
27.	Merit System Council	31,123	31,634
28.	North Carolina Veterans Commission:		
	(1) North Carolina Veterans Commission	265,165	269,593
	(2) County Service Officers	90,000	90,000

		1955-56	1956-57
29.	State Recreation Commission	42,277	42,645
30.	North Carolina Medical Care Commission Administration	116,388	118,104
31.	North Carolina State Ports Authority	192,633	194,157
	IV. EDUCATIONAL INSTITUTIONS		
1.	University of North Carolina (Consolidated):		
	(1) General Administration	96,361	96,289
	(2) University of North Carolina	3,579,338	3,536,387
	(1) Division of Health Affairs	1,669,951	1,672,664
	(2) Memorial Hospital Psychiatric Center	317,219	341,934
	(3) Memorial Hospital	817,469	745,305
	(4) Institute of Fisheries Research	70,178	69,828
	(3) State College of Agriculture and Engineering	3,033,130	2,944,368
	(1) Industrial Experimental Program	—0—	—0—
	(4) The Woman's College	1,476,814	1,455,333
2.	Experiment Station State College	1,458,742	1,478,030
3.	Cooperative Agriculture Extension—State College	1,995,966	2,032,767
4.	East Carolina College	1,083,814	917,354
5.	Negro Agricultural and Technical College	916,919	901,985
6.	Western Carolina College	380,135	366,516
7.	Appalachian State Teachers College	590,697	550,247
8.	Pembroke State College	102,984	101,671
9.	Winston-Salem Teachers College	250,761	259,905
10.	Elizabeth City State Teachers College	246,832	197,540
11.	Fayetteville State Teachers College	239,395	193,754
12.	North Carolina College at Durham	776,112	765,302
13.	North Carolina School for the Deaf	677,162	679,537
14.	State School for the Blind and the Deaf:		
	(1) State School for the Blind and the Deaf	551,733	585,958
	(2) Blind Student Aid	—0—	—0—
	V. CHARITABLE AND CORRECTIONAL INSTITUTIONS		
1.	State Hospitals:		
	(1) General Administration	129,153	129,851
	(2) State Hospital at Raleigh	3,137,179	3,264,762
	(3) State Hospital at Morganton	2,804,411	3,084,170
	(4) State Hospital at Goldsboro	1,740,508	1,996,499
	(5) Caswell Training School	1,679,954	1,717,413
	(6) State Hospital at Butner	2,487,727	2,800,399
	(7) Alcoholic Rehabilitation Fund	174,140	175,436
2.	North Carolina Orthopedic Hospital	390,846	340,718
3.	North Carolina Sanatoria:		
	(1) General Administration	33,464	33,572

	1955-56	1956-57
(2) North Carolina Sanatorium	1,268,642	1,266,984
(3) Western North Carolina Sanatorium	1,056,477	1,071,093
(4) Eastern North Carolina Sanatorium	1,289,669	1,307,276
(5) Gravely Sanatorium	372,096	376,323
(6) Aid to County Tuberculosis Sanatoria	243,638	243,638
4. Correctional Institutions:		
(1) General Administration	25,717	24,012
(2) Stonewall Jackson Training School	338,957	286,397
(3) State Home and Industrial School for Girls	179,701	159,851
(4) Morrison Training School	304,169	224,194
(5) Eastern Carolina Training School	128,606	127,528
(6) State Training School for Negro Girls	113,479	104,379
5. North Carolina Cerebral Palsy Hospital	177,678	177,321
6. Confederate Women's Home	47,311	47,787
7. Oxford Orphanage	47,500	47,500
8. Junior Order Orphanage	50,000	50,000
9. Oxford Colored Orphanage	70,000	70,000
10. Pythian Orphanage	10,000	10,000
11. Odd Fellows Home	10,000	10,000
12. Alexander Schools, Inc.	20,000	20,000

VI. STATE AID AND OBLIGATIONS

1. Board of Public Welfare:		
(1) Care of Dependent Children	$ 130,000	$ 130,000
(2) Old Age Assistance	2,975,000	2,975,000
(3) Aid to Dependent Children	1,855,000	1,855,000
(4) Aid to County Welfare Administration	300,000	300,000
(5) Aid to the Permanently and Totally Disabled	670,000	670,000
(6) Hospitalization of the Medically Indigent	125,000	125,000
(7) State Boarding Home for the Aged and Infirm	40,000	40,000
2. Board of Health for Orthopedic Clinics	6,500	6,500
3. Fugitives from Justice	6,000	6,000
4. Landscrip Fund	7,500	7,500
5. Firemen's Relief	1,750	1,750
6. Bennett Memorial	50	50
7. Confederate Museum	200	200
8. Confederate Cemetery	350	350
9. Retirement Teachers and State Employees—State's Contribution	9,942,160	10,240,424
10. State Aid to Public Libraries	416,413	416,989
11. State Art Society	63,298	64,148

	1955-56	1956-57
12. North Carolina Symphony Orchestra	20,000	20,000
13. State Soil Conservation Committee	9,500	9,500
14. State Property Fire Insurance Fund	250,000	250,000
15. Medical Care Commission:		
(1) Indigent Care	325,000	325,000
(2) Student Loan Fund	162,500	137,500
16. North Carolina National Park, Parkway and Forests Development Commission	7,356	7,704
17. Contribution to Law Enforcement Officers Benefit and Retirement Fund	9,407	9,653
18. North Carolina Council of Civil Defense	55,929	42,567
19. Old Salem, Inc.	35,000	—0—
20. Kerr Reservoir Development Commission .	24,920	24,920
21. Department of Motor Vehicles— Financial Responsibility Program	210,000	210,000
22. Civil Air Patrol	25,000	25,000
23. State Educational Radio and Television Commission:		
(1) State Educational Radio and Television Commission	3,205	3,205
(2) University of North Carolina— Station WUNC-TV	39,735	39,735
(3) State College of Agriculture and Engineering—Station WUNC-TV ...	39,735	39,735
(4) The Woman's College Station WUNC-TV	29,130	29,130
24. Travel Expenses and Motor Vehicle Operation ..... (For transfer to State Agencies subject to rules and regulations prescribed by the Director of the Budget.)	75,000	75,000
25. Printing and Binding ..... (For transfer to State Agencies subject to rules and regulations prescribed by the Director of the Budget.)	25,000	25,000
VII. PENSIONS		
1. Confederate Veterans and Widows	$ 160,532	$ 139,432
2. Annie Burgin Craig	3,000	3,000
3. Mrs. W. W. Kitchin	3,000	3,000
4. Teachers Who Had Attained Age of 65 at March 10, 1943	60,000	60,000
5. Retirement Minimum Benefits	300,000	300,000

	1955-56	1956-57
VIII. CONTINGENCY AND EMERGENCY		
1. To provide for contingency and emergency expenditures for any purpose authorized by law for which no specific appropriation is made hereunder, or for which inadvertently an insufficient appropriation has been made under this Section. Allotments to be made from this appropriation under the provisions of Section twelve of Article 1 of Chapter 143 of the General Statutes of North Carolina, or of such other statute as may be applicable	$ 1,500,000	$ 1,500,000
IX. PUBLIC SCHOOLS		
1. Support of Nine Months Term	$122,718,752	$126,986,056
2. State Board of Education	236,697	239,302
3. Vocational Education	3,542,137	3,605,373
4. Purchase of Free Textbooks	1,882,021	1,476,862
5. Vocational Textile Training School	62,910	63,532
6. Purchase of School Buses	1,324,075	1,810,000
7. Administration of State School Plant Construction, Improvement, and Repair Fund	63,517	64,817
X. DEBT SERVICE		
1. Interest on Bonds	$ 1,168,483	$ 1,761,583
2. Redemption of Bonds	3,670,000	4,710,000
3. Interest on Tax Anticipation Notes	80,000	80,000

AGRICULTURE FUND

Sec. 2. That appropriations out of the AGRICULTURE FUND of the State for maintenance of agricultural activities are hereby made for the two fiscal years ending June thirtieth, nineteen hundred and fifty-six and June thirtieth, nineteen hundred and fifty-seven, respectively, according to the following schedule:

XI. AGRICULTURE		
1. Department of Agriculture	$ 1,094,100	$ 1,094,100
2. State Fair (The State Fair under Title XI-2 may be operated within its own receipts in the discretion of the State Board of Agriculture.)		

HIGHWAY AND PUBLIC WORKS FUND

Sec. 3. That Appropriations out of the HIGHWAY AND PUBLIC WORKS FUND of the State for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of the highway activities, are hereby made for the two fiscal years ending June thirtieth,

	1955-56	1956-57
nineteen hundred fifty-six, and June thirtieth, nineteen hundred fifty-seven, respectively, according to the following schedule:		
XII. HIGHWAY AND PUBLIC WORKS		
1. Administration	$ 489,581	$ 488,531
2. Department of Motor Vehicles, Highway Patrol, Drivers License and Safety Promotion	6,722,625	6,866,346
3. Maintenance of State Highways	9,450,000	9,450,000
4. Maintenance and/or Construction County Highways	22,700,000	22,700,000
5. Betterments State and County Highways:		
(1) General Betterments	13,600,000	13,600,000
(2) Retreatments	7,800,000	7,800,000
6. Construction State and County Highways:		
(1) To Match Federal Aid	23,000,000	23,000,000
7. Scenic Highway	—0—	—0—
8. Maintenance of Highways in Cities and Towns	2,500,000	2,500,000
9. State Aid to Municipalities	5,395,833	5,395,833
10. Probation Commission	263,012	267,395
11. Board of Paroles	225,025	227,881
12. Bus Investigations	119,443	121,822
13. Employer's Contribution to Retirement System	1,486,000	1,531,000
14. Contribution to Law Enforcement Officers Benefit and Retirement Fund	5,000	5,000
15. Merit Salary Increments	500,000	750,000
XIII. DEBT SERVICE (HIGHWAY FUND)		
1. Interest on Secondary Road Bonds	$ 2,591,375	$ 2,308,313
2. Redemption of Secondary Road Bonds	9,700,000	9,850,000

(Transfers or changes may be made to and/or from Titles XII-3, 4 and 5 under authorization by the Director of the Budget: Provided, no item shall be reduced more than fifteen per cent (15%).

(Provided, in the event the receipts and/or increments to the Highway Fund shall be more than the appropriations herein made, such excess may be made available by the Director of the Budget for expenditures either in the current or next succeeding year under Titles XII-one, two, three, four, five, and six.)

(The appropriations made herewith to Title XII-three and four include funds to be transferred or paid to the State Hospital at Raleigh and State Hospital at Goldsboro for care, custody and treatment of the criminally insane prisoners and to the North Carolina Sanatorium for care, custody and treatment of prisoners who have tuberculosis; with the

amounts of funds to be determined as follows: At the beginning of each month the State Hospital at Raleigh, the State Hospital at Goldsboro and North Carolina Sanatorium shall render to the State Highway and Public Works Commission a bill, on the basis of the per capita cost per day for the preceding fiscal year as may be determined by the Director of the Budget, for the care, custody and treatment, during the preceding month, of criminally insane prisoners and prisoners who have tuberculosis who have been transferred from the Prison System to said institutions and the State Highway and Public Works Commission shall pay such bills from appropriations made to Title XII-three and four.)

Sec. 4. That fees or compensations to be paid to members of boards or commissions for attendance out of or under the appropriations made in Sections one, two and three of this Act shall be fixed at rates per diem as shown in the following schedule:

Advisory Budget Commission, seven dollars ($7.00) and necessary travel expenses, provided that the per diem rate during the period July 1, 1956 to December 31, 1956 shall be twenty-five dollars ($25.00).

State Board of Education, seven dollars ($7.00) and necessary travel expenses.

State Highway and Public Works Commission, seven dollars ($7.00) and necessary travel expenses.

State Board of Alcoholic Control, seven dollars ($7.00) and necessary travel expenses.

State Board of Agriculture, seven dollars ($7.00) and necessary travel expenses.

State Board of Health, seven dollars ($7.00) and necessary travel expenses.

State Board of Elections, seven dollars ($7.00) and necessary travel expenses.

Medical Care Commission, seven dollars ($7.00) and necessary travel expenses.

State Personnel Council, seven dollars ($7.00) and necessary travel expenses.

Board of Conservation and Development, seven dollars ($7.00) and necessary travel expenses.

North Carolina State Ports Authority, seven dollars ($7.00) and necessary travel expenses.

State Hospitals Board of Control, seven dollars ($7.00) and necessary travel expenses.

Board of North Carolina Hospital for Treatment of Cerebral Palsy, seven dollars ($7.00) and necessary travel expenses.

State Board of Correction and Training, seven dollars ($7.00) and necessary travel expenses.

Board of Directors of the North Carolina Sanatoria for the treatment of Tuberculosis, seven dollars ($7.00) and necessary travel expenses.

All other boards and commissions, including those governing the institutions, but not including such as its members are now serving without compensation, seven dollars ($7.00) per day and necessary travel expenses.

Travel expenses allowed board and commission members shall be as follows: For transporation, using personally owned automobile, seven cents (7c) per mile of travel; for bus, railroad and pullman, or other public conveyance, actual fare; for subsistence—hotels and meals—actual amount expended but not in excess of eight dollars ($8.00) per day. The schedule of per diem, subsistence and travel expenses provided for in this Section, except that provided herein for members of the Advisory Budget Commission shall apply to members of all other boards and commissions not specifically mentioned herein except such as its members are now serving without compensation and all special provisions of other laws relating to such per diem, subsistence and travel expenses are hereby modified and amended to conform to this Section.

Sec. 5. That appropriations provided in this Act shall be in lieu of all appropriations or allowances for the Alcoholic Beverage Control Board, the Department of Revenue, or any other board, bureau or agency of the State by the Revenue Act, Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine as amended.

GENERAL PROVISIONS

Sec. 6. That allowances out of or under the appropriations made in Sections one, two and three of this Act and out of receipts of departments and agencies operating out of their own receipts for travel expenses cover only ordinary field travel and occasional travel in connection with the work of the department, institution, or agency, and shall be so limited, unless provision is made through a travel authorization by the Director of the Budget for out-of-State travel. Allowances covering only actual expenses, shall not be made in excess of the following:

For Subsistence—hotel and meals, actual expenses not to exceed eight dollars ($8.00) per day; for out-of-State travel when authorized, actual expenses not to exceed eleven dollars ($11.00) per day; for transportation, using personally owned automobile, seven cents (7c) per mile of travel; for bus, railroad, pullman or other public conveyance, actual fare.

Sec. 7. That all insurance and all official, fidelity, and surety bonds authorized for the several departments, institutions, and agencies shall be effected and placed by the Insurance Department, and the cost of such placement shall be liquidated by the department, institution, or agency involved upon bills rendered to and approved by the Insurance Commissioner.

SPECIAL PROVISIONS

Sec. 8. That the cost of all audits made by the State Auditor of the books and accounts of the State Highway and Public Works Commission under Section twenty-four of Chapter two of the Public Laws of one thousand nine hundred and twenty-one, which cost is hereby fixed at three thousand and five hundred dollars ($3,500.00) for each year, shall be paid out of the funds of the State Highway and Public Works Commission. Such audits shall be made by the State Auditor and members of his staff.

Sec. 9. That all expenses of every kind, and including a reasonable charge by the Board of Public Buildings and Grounds for the use of offices, occupancy and telephone service, by the Banking Department, shall be paid out of fees collected under Chapter fifty-three, Section one hundred and twenty-two, of the General Statutes of North Carolina.

Sec. 10. That appropriations made to the North Carolina School for the Deaf under Title IV-thirteen and to the State School for the Blind and the Deaf under Title IV-fourteen-(1) Section one of this Act, include provisions for the cost of clothing and transportation for indigent pupils. The institution shall be reimbursed for these items by the counties liable thereof under the provisions of Chapter one hundred and sixteen, Section one hundred and eighteen, of the General Statutes of North Carolina.

Sec. 11. That appropriations made to the Oxford Colored Orphanage under Title V-nine, Section one, of this Act shall be available only if and when the expenditure shall be recommended by the trustees of the institution appointed by the Governor of the State, and the expenditures shall be under the supervision of said trustees.

Sec. 12. That appropriations made to the Board of Public Welfare for Old Age Assistance under Title VI-one-(2), and for Aid to Dependent Children under Title VI-one-(3) of Section one of this Act are declared to be for such sums which, added to the unexpended balances remaining in the appropriation for the said purposes for the biennium of one thousand nine hundred and fifty-three-fifty-five at the end of said biennium, shall be equal to the sum of two million nine hundred seventy-five thousand dollars, for each year of the biennium, for Old Age Assistance, and one million eight hundred and fifty-five thousand dollars, for each year of the biennium, for Aid to Dependent Children.

Sec. 13. That the Director of the Budget is authorized, empowered and directed to allocate out of the Highway and Public Works Fund, the Agriculture Fund, and other special operating funds employing personnel, the amount sufficient to meet the contributions necessary to be made in order to comply with the Act creating the Teachers' and State Employees' Retirement System.

Sec. 14. That receipts of the North Carolina Industrial Commission collected under Section one hundred, Subsection (j) of Chapter ninety-seven of the General Statutes of North Carolina originally credited as allotment deposits to the appropriation account of the North Carolina Industrial Commission, shall be collected as provided by law, but shall be deposited to the credit of the State Treasurer as General Fund revenue. In lieu of these receipts from the tax on self-insurers, sufficient appropriation out of General Fund revenue to operate the commission is provided. It is the intent of the General Assembly to remove the uncertainty from the operations of the commission and to stabilize on a definite appropriation basis.

Sec. 15. Whereas the appropriations heretofore made to the Industrial Commission for carrying out the provisions of the Workmen's Compensation Act as pertaining to occupational disease work or industrial hygiene work has been transferred to the State Board of Health because of Federal

grants of funds, and since the responsibility for this work remains in the Industrial Commission, the following requirements of the Board of Health-Industrial Hygiene Division are enacted:

That the Industrial Hygiene Division of the State Board of Health is required to carry out all the provisions of the Workmen's Compensation Act as to occupational disease work under the direction and supervision of the Industrial Commission and that the Board of Health shall file with the Industrial Commission sufficient reports to enable it to carry out the provisions of the occupational disease law. After all occupational disease work has been completed as may be required by the Industrial Commission, the Board of Health may use the services of the Industrial Hygiene Division for any other work as may be found to be expedient and necessary.

Sec. 16. That appropriations made for the purchase of public school buses under Title IX-6 shall be permanent appropriations, not reverting to the General Fund at the end of the biennium one thousand nine hundred and fifty-five-fifty-seven. These appropriations shall be transferred to a reserve account at the end of each fiscal year of the biennium and shall be held, along with any other funds that may have or hereafter be appropriated for the purchase of public school buses.

Sec. 17. That the amounts included in the appropriations for the State Hospital at Butner under Title V-I-(6) for the care of the feeble minded may be transferred by the Director of the Budget to Caswell Training School when provision for the care and treatment of those temporarily transferred or admitted to Butner Hospital is made through construction of adequate facilities.

Sec. 18. The funds appropriated for the Department of Conservation and Development for fire prevention and control shall not be expended in any county unless said county shall contribute at least 25% of the total cost of such fire prevention program.

Sec. 18.1. Funds for Salary Adjustments provided in the appropriations contained in this Act for personnel not subject to the provisions of G. S. 143-46 shall be made available for salary adjustments for such exempt personnel subject to rules and regulations prescribed by the Director of the Budget.

Sec. 18.2. That appropriations made to the State Board of Education under Title IX-I for the Child Health Program shall be expended for diagnosis and the correction of chronic remediable physical defects of public school children through the Child Health Program of the State Board of Education in the following manner:

(1) Upon discovery of the defect, if it appears that the expenditure of school health funds will be required for correction through providing spectacles, prostheses, or other correction of chronic remediable defects, the appropriate school official shall forthwith notify the county superintendent of public welfare of the county in which the child resides. Thereupon, the superintendent of public welfare shall make such investigation as necessary and only upon his certification of financial need shall funds be expended for this purpose: Provided, however, that in cases of minor

dental defects involving expenditures not in excess of $10.00, school and health department personnel may determine financial need.

(2) Child Health Program funds as defined in this Section shall be expended in accordance with a uniform State-wide schedule of fees and costs, and only to provide spectacles, prostheses and other correction of chronic remediable defects of public school children: Provided that a reasonable amount of the total appropriation may be expended for case finding, health education and intensive follow-up services.

EFFECTIVE

Sec. 19. That the provisions of the Executive Budget Act, Chapter one hundred and forty-three, Article 1, General Statutes of North Carolina, are re-enacted and shall remain in full force and effect.

Sec. 20. That if any Section or provision of this Act be declared unconstitutional or invalid by the courts, the same shall not affect the validity of the Act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Sec. 21. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 22. This Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 323 CHAPTER 908

AN ACT TO PROVIDE THAT THE AMOUNT OF THE ATTORNEY'S FEE TO BE CHARGED AS COSTS IN PROPERTY TAX FORECLOSURE ACTIONS SHALL BE FIXED BY THE COURT.

The General Assembly of North Carolina do enact:

Section 1. Subsection (k) of Section 105-391 of the General Statutes is amended by rewriting the first two paragraphs thereof to read as follows:

"(k) Costs. Subject to the provisions of this subsection, costs may be taxed in any action brought under this Section in the same manner as in other civil actions. Upon collection of said costs, either upon redemption or upon payment of the purchase price at foreclosure sale, the fees allowed officers shall be paid to those entitled to receive the same: Provided, that no process tax for the use of the State shall be levied or collected in tax foreclosure actions, and, where the plaintiff is a taxing unit, no prosecution bond shall be required in such actions.

"The word 'costs' as used in this Section shall be construed to include one reasonable attorney's fee for the plaintiff in such amount as the court shall, in its discretion, determine and allow: Provided, that the governing body of any taxing unit may, in its discretion, pay a smaller or greater sum to its attorney as a suit fee, and said governing body may, in its discretion, allow a reasonable commission to its attorney on delinquent taxes collected by him after said taxes have been placed in his hands; or said governing body may arrange with its attorney for the handling of tax

suits on a salary basis or make such other reasonable agreement with its attorney or attorneys as said governing body may approve; and any arrangement made may provide that attorneys' fees collected as costs be collected for the use of the taxing unit; and provided further, that when any taxing unit is made a party defendant in a tax foreclosure action and files answer therein, there may be included in the costs an attorney's fee for said defendant in such amount as the court shall, in its discretion, determine and allow."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 327 CHAPTER 909

AN ACT TO REQUIRE TAX COLLECTORS RECEIVING PROPERTY TAX BILLS OF OTHER UNITS FOR COLLECTION TO ADD THE STATUTORY COLLECTION FEE TO THE AMOUNT TO BE COLLECTED FROM THE TAXPAYER OR HIS PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of Section 105-386 of the General Statutes is rewritten to read as follows:

"If a taxpayer has no property in the taxing unit to which the taxes are due, but does have property in some other unit, or if the taxpayer has removed from the taxing unit in which the taxes are due and has left no property there and is known to be in some other unit in this State, it shall be the duty of the collector to send a copy of the tax receipt, with a certificate stating that such taxes are unpaid, to the collector of the unit in which such property is located or in which such taxpayer is known to be. Such receipt and certificate shall have the force and effect of a tax list of his own unit in the hands of the collector receiving it, and it shall be the duty of such collector to proceed immediately to collect such taxes by any means by which he could lawfully collect taxes of his own unit. The collector receiving such receipt and certificate shall report, within thirty days after such receipt, to the collector who sent the same, either that he has collected the same or is unable to collect the same by any lawful means or that he has begun proceedings for the collection of same. In acting on such receipt and certificate the receiving collector shall, in addition to collecting the amount of taxes certified as due, also collect a fee equal to ten per centum (10%) of the amount of taxes actually collected. All collections made under this Section shall be remitted to the unit levying the tax within five days after such collection, but the collector making collection shall retain the prescribed collection fee for his personal use. All reports under this Section, reporting that the tax is uncollectible, shall be under oath and shall state that the collector has used due diligence

and is unable to collect said taxes by levy, garnishment or otherwise. Upon failure to make such sworn report the collector receiving such receipt and certificate shall be liable on his bond for such taxes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 366 CHAPTER 910

AN ACT TO AMEND SECTIONS OF THE GENERAL STATUTES RELATING TO THE DUTIES AND AUTHORITY OF THE GOVERNOR.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-48 is hereby changed and amended by striking out all of the language of such Section and substituting in lieu thereof the following:

"G. S. 113-48. Forest rangers appointed.—The forester of the Department of Conservation and Development may appoint, with the approval of the Board of Conservation and Development, as forest rangers such a man or men over twenty-one years of age as may be recommended for appointment by the owner or owners of such State forest. Such forest rangers are to receive no compensation other than that which the owner or owners of the State forest may pay to them."

Sec. 2. G. S. 7-115 is hereby changed and amended by striking out all of the language of such Section and substituting in lieu thereof the following:

"G. S. 7-115. Appointment and removal by Resident Judge.—In addition to other methods provided by law for appointment or election of a justice of the peace, the Resident Judge of the Superior Court of the district in which a county is situated may, from time to time at his discretion, appoint one or more fit persons as justice of the peace in said county who shall hold office for two years from and after the date of appointment: Provided, that the appointing judge shall find to his satisfaction that there is then existing a need for such additional justice or justices of the peace. The appointing judge shall issue to each justice of the peace so appointed a certification in writing of such appointment, a copy of which shall be filed with the clerk of the court, before whom shall be taken and subscribed the oath of office, and the clerk shall note on his minutes the qualification of the justice of the peace. For such qualification the clerk shall collect a fee of seven dollars and fifty cents ($7.50) which shall be remitted to the Department of Revenue at the time required for remitting the taxes collected pursuant to G. S. 105-93 for the use of the General Fund.

"Any justice of the peace so appointed may, after due notice and hearing, be removed from office by the Resident Judge of the Superior

Court of the district in which the county is situated, for misfeasance, malfeasance, nonfeasance or other good cause.

"Any person holding himself out to the public as a justice of the peace, or any person attempting to act in such capacity after his appointment shall have been revoked, shall be guilty of a misdemeanor and upon conviction be punishable in the discretion of the court, as provided for in other misdemeanors."

Sec. 3. G. S. 147-12 is hereby amended by adding at the end thereto the following three subsections:

"7. He shall annually appoint eight members to the Board of Directors of the North Carolina Railroad, who shall serve for one year until the next annual meeting of stockholders held for the purpose of electing or naming directors.

"8. In carrying out his ex officio duties, he is authorized to designate his personal representative to attend meetings and to act in his behalf as he directs.

"9. He is authorized to appoint such personal staff as he deems necessary to carry out effectively the responsibilities of his office."

Sec. 4. G. S. 147-15 is hereby amended by striking out the words "notary public", in line 9 thereof, as the same appears in the 1953 Cumulative Supplement to the General Statutes.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 441 CHAPTER 911

AN ACT TO AUTHORIZE BOARDS OF COUNTY COMMISSIONERS TO OBTAIN LIBALITY INSURANCE.

The General Assembly of North Carolina do enact:

Section 1. Section 153-9 of the General Statutes of North Carolina is hereby amended by adding thereto a new subsection to read as follows:

"The board of county commissioners of any county, by securing liability insurance as hereinafter provided, is hereby authorized and empowered to waive the county's governmental immunity from liability for damage by reason of death, or injury to person or property, caused by the negligence or tort of the county or by the negligence or tort of any official or employee of such county when acting within the scope of his authority or within the course of his employment. Such immunity shall be deemed to have been waived by the act of obtaining such insurance, but such immunity is waived only to the extent that the county is indemnified by insurance from such negligence or tort.

"Any contract of insurance purchased pursuant to this subsection must

be issued by a company or corporation duly licensed and authorized to execute insurance contracts in this State, and such contract of insurance may cover such negligent acts or torts and such officials and employees as the board of county commissioners may decide. The board may purchase one or more contracts of insurance pursuant to this subsection, each such contract covering different negligent acts or torts or different officials or employees from every other contract. Any company or corporation which enters into a contract of insurance as above described with a county by such act waives any defense based upon the governmental immunity of such county.

"Every board of county commissioners is authorized and empowered to pay, as a necessary expense, the lawful premiums for such insurance.

"Any person sustaining damages, or in case of death his personal representative, may sue a county insured under this subsection for the recovery of such damages in any court of competent jurisdiction in such county; and it shall be no defense to any such action that the negligence or tort complained of was in pursuance of a governmental or discretionary function of such county, if, and to the extent, such county has insurance coverage as provided in this subsection.

"Except as hereinbefore expressly provided, nothing in this subsection shall be construed to deprive any county of any defense whatsoever to any such action for damages, or to restrict, limit, or otherwise affect any such defense which said county may have at common law or by virtue of any statute; and nothing in this subsection shall be construed to relieve any person sustaining damages or any personal representative of any decedent from any duty to give notice of such claim to said county or to commence any civil action for the recovery of damages within the applicable period of time prescribed or limited by statute.

"A county may incur liability pursuant to this subsection only with respect to a claim arising after the board of county commissioners has procured liability insurance pursuant to this subsection and only during the time when such insurance is in force.

"No part of the pleadings which relates to or alleges facts as to a defendant's insurance against liability shall be read or mentioned in the presence of the trial jury in any action brought pursuant to this subsection. Such liability shall not attach unless the plaintiff shall waive the right to have all issues of law or fact relating to insurance in such an action determined by a jury and such issues shall be heard and determined by the judge without resort to a jury and the jury shall be absent during any motions, arguments, testimony, or announcement of findings of fact or conclusions of law with respect thereto unless the defendant shall ask for a jury trial thereon."

Sec. 1½. Provided no part of this Act shall apply to Davie or Scotland County.

Sec. 2. This action of the board of county commissioners of any county which has heretofore taken out liability insurance of the type provided for in this Act is hereby in all respects validated and confirmed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 514 CHAPTER 912

AN ACT CREATING A STATE BOARD OF REFRIGERATION EXAMINERS AND FIXING ITS POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

Section 1. Board of Examiners; appointment; term of office.—For the purpose of carrying out the provisions of this Article there is hereby created a State Board of Refrigeration Examiners consisting of seven members to be appointed by the Governor within sixty days after the effective date of this Act. The board shall consist of one member from the State Board of Health, one member from the Engineering School of the Greater University of North Carolina, two members who are licensed refrigeration contractors, one member from the Division of Public Health of the Greater University of North Carolina, one member who is a manufacturer of refrigeration equipment and one member who is a wholesaler of refrigeration equipment. The term of office of said members shall be further designated by the Governor so that the term of one member shall expire each year. Thereafter in each year the Governor shall in like manner appoint one person to fill the vacancy on the board thus created. Vacancies in the membership of the board shall be filled by appointment of the Governor for the unexpired term. Whenever the word "board" is used in this Article it shall be deemed and held to refer to the State Board of Refrigeration Examiners.

Sec. 2. Removal, qualifications and compensation of members; allowance for expenses.—The Governor may remove any member of the board for misconduct, incompetency or neglect of duty. Each member of the board shall be a citizen of the United States and a resident of this State at the time of his appointment. Each member of the board shall receive fifteen dollars ($15.00) per day for attending sessions of the board or of its committees, and for the time spent in necessary traveling in carrying out the provisions of this Article, and in addition to the per diem compensation, each member shall be reimbursed by the board from funds in its hands for necessary traveling expenses and for such expenses incurred in carrying out the provisions hereof, as shall be approved by a majority of the members of the board.

Sec. 3. Organization meeting; officers; seal; rules.—The board shall within thirty days after its appointment meet in the City of Raleigh and organize, and shall elect a chairman and secretary and treasurer, each to serve for one year. Thereafter said officers shall be elected annually. The secretary and treasurer shall give bond approved by the board for the

faithful performance of his duties, in such sum as the board may, from time to time determine. The board shall have a common seal, shall formulate rules to govern its actions, and is hereby authorized to employ such personnel as it may deem necessary to carry out the provisions of this Article.

Sec. 4. Regular and special meetings; quorum.—The board after holding its first meeting as hereinbefore provided, shall thereafter hold at least two regular meetings each year. Special meetings may be held at such times and places as the by-laws and/or rules of the board provide; or as may be required in carrying out the provisions hereof. A quorum of the board shall consist of four members.

Sec. 5. Record of proceedings and register of applicants; reports.—The board shall keep a record of its proceedings and a register of all applicants for examination, showing the date of each application, the name, age and other qualifications, place of business and residence of each applicant. The books and records of the board shall be prima facie evidence of the correctness of the contents thereof. On or before the first day of March of each year the board shall submit to the Governor a report of its activities for the preceding year, and file with the Secretary of State a copy of such report, together with a statement of receipts and expenditures of the board attested by the chairman and secretary.

Sec. 6. License required of persons, firms or corporations engaged in the refrigeration trade.—In order to protect the public health, safety, morals, order and general welfare of the people of this State, all persons, firms or corporations, whether resident or nonresident of the State of North Carolina, before engaging in refrigeration business or contracting, as defined in this Article, shall first apply to the board and shall procure a license.

Sec. 7. Definitions; contractors licensed by board; towns excepted; examinations.—(a) As applied in this Article, refrigeration trade or business is defined to include all persons, firms or corporations engaged in the installation, maintenance, servicing and repairing of refrigerating machinery, equipment, devices and components relating thereto and within limits as set forth in the codes, laws and regulations governing refrigeration installation, maintenance, service and repairs within the State of North Carolina or any of its political subdivisions, provided however, that this Act shall not apply to the replacement of lamps and fuses and to the installation and servicing of appliances and equipment connected by means of attachment plug-in devices to suitable receptacles which have been permanently installed, "or devices using gas as a fuel, or ice using or storing equipment"; and provided, further, that the provisions of this Article shall not repeal any wording, phrase, or paragraph as set forth in North Carolina General Statutes, Chapter 87, Article 2; and provided, further, that this Act shall not apply to employees of persons, firms, or corporations or persons, firms or corporations, not engaged in refrigeration contracting as herein defined, that install, maintain and service their own refrigerating machinery, equipment and devices. The provisions of this Act shall not apply to any person, firm or corporation engaged in the

business of selling, repairing and installing any air conditioning units, devices or systems for the purpose of cooling offices, buildings, houses, works, manufacturing plants, or any machinery, manufactured article or processing of material.

(b) The phrase "refrigeration contracting" is hereby defined to be a person, firm or corporation engaged in the business of refrigeration contracting.

(c) Any person, firm or corporation who for valuable consideration engages in the refrigeration business or trade as herein defined shall be deemed and held to be in the business of refrigeration contracting.

(d) In order to protect the public health, comfort and safety, the board shall prescribe the standard of efficiency to be required of an applicant for license and shall give an examination designed to ascertain the technical and practical knowledge of the applicant concerning the analysis of plans and specifications, estimating cost, fundamentals of installation and design as same pertain to refrigeration; and as a result of such examination, the board shall issue a certificate of license in refrigeration to applicants who pass the required examination and a license shall be obtained in accordance with the provisions of this Article, before any person, firm or corporation shall engage in, or offer to engage in the business of refrigeration contracting as herein defined. Each application for examination shall be accompanied by a check, post office money order or cash in the amount of the annual license fee required by this Article. Regular examinations shall be given in the months of April and October of each year and additional examinations may be given at such other times as the board may deem wise and necessary. Any person may demand in writing a special examination and upon payment by the applicant of the cost of holding such examination and the deposit of the amount of the annual license fee, the board in its discretion will fix a time and place for such examination. A person who fails to pass any examination shall not be reexamined until the next regular examination.

(e) The requirements of this Article shall apply only to persons, firms or corporations who engage in, or attempt to engage in, the business of refrigeration in cities or towns having a population of more than 10,000 in accordance with the last official United States census.

(f) Persons who have an established place of business prior to January 1, 1956, and who produce satisfactory evidence that they are engaged in the refrigeration business as herein defined, shall be granted a certificate of license, without examination, upon application to the board and payment of the license fee.

(g) The current license issued in accordance with the provisions of this Article shall be posted in the business location of the licensee, and its number shall appear on all proposals or contracts and requests for permits issued by municipalities.

Sec. 8. Revocation or suspension of license for cause.—The board shall have power to revoke or suspend the license of any refrigeration contractor who is guilty of any fraud or deceit in obtaining a license, or who fails to comply with any provision or requirement of this Article, or for gross

negligence, incompetency, or misconduct, in the practice of or in carrying on the business of a refrigeration contractor as defined in this Article. Any person may prefer charges of such fraud, deceit, gross negligence, incompetency, misconduct, or failure to comply with any provision or requirement of this Article, against any refrigeration contractor who is licensed under the provisions of this Article. All of such charges shall be in writing and verified by the complainant, and such charges shall be heard and determined by the board in accordance with the provisions of Chapter 150 of the General Statutes.

Sec. 9. Re-issuance of revoked licenses; replacing lost or destroyed licenses.—The board may in its discretion re-issue license to any person, firm or corporation whose license may have been revoked: Provided, three or more members of the board vote in favor of such re-issuance for reasons deemed sufficient by the board. A new certificate of registration to replace any license which may be lost or destroyed may be issued subject to the rules and regulations of the board.

Sec. 10. Violations made misdemeanor; employees of licensees excepted.—Any person, firm or corporation who shall engage in or offer to engage in, or carry on the business of refrigeration contracting as defined in this Article, without first having been licensed to engage in such business, or businesses, as required by the provisions of this Article; or any person, firm or corporation holding a refrigeration license under the provisions of this Article who shall practice or offer to practice or carry on any type of refrigeration contracting not authorized by said license; or any person, firm or corporation who shall give false or forged evidence of any kind to the board, or any member thereof, in obtaining a license, or who shall falsely impersonate any other practitioner of like or different name, or who shall use an expired or revoked license, or who shall violate any of the provisions of this Article, shall be guilty of a misdemeanor and upon conviction fined not less than one hundred dollars ($100.00) or imprisoned for not more than three months, or both, in the discretion of the court. Employees, while working under the supervision and jurisdiction of a person, firm or corporation licensed in accordance with the provisions of this Article, shall not be construed to have engaged in the business of refrigeration contracting.

Sec. 11. Only one person in partnership or corporation need have license.—A corporation or partnership may engage in the business of refrigeration contracting provided one or more persons connected with such corporation or partnership is registered and licensed as herein required; and provided such licensed person shall execute all contracts, exercise general supervision over the work done thereunder and be responsible for compliance with all the provisions of this Article. Nothing in this Article shall prohibit any employee from becoming licensed pursuant to the provisions thereof.

Sec. 12. License fees payable in advance; application of.—All license fees shall be paid in advance as hereafter provided to the secretary and treasurer of the board and by him held as a fund for the use of the board. The compensation and expenses of the members of the board as herein

provided, the salaries of its employees, and all expenses incurred in the discharge of its duties under this Article shall be paid out of such fund, upon the warrant of the chairman and secretary and treasurer: Provided, upon the payment of the necessary expenses of the board as herein set out, and the retention by it of twenty-five per centum (25%) of the balance of funds collected hereunder, the residue, if any, shall be paid to the State Treasurer.

Sec. 13. Examination and license fees.—Each applicant for a license by examination shall pay to the secretary and treasurer of the board an examination fee in an amount not to exceed the sum of twenty-five dollars ($25.00) before being admitted to the examination. In the event said applicant shall fail to pass the examination, the examination fee so paid shall be refunded by the board.

The license of every person licensed under the provisions of this statute shall be annually renewed. On or before November 1 of each year the board shall cause to be mailed an application for renewal of license to every person who has received from the board a license to engage in the refrigeration business, as heretofore defined. On or before January 1 of each year every licensed person who desires to continue in the refrigeration business shall forward to the board a renewal fee of twenty-five dollars ($25.00) together with the application for renewal. Upon receipt of the application and renewal fee the board shall issue a renewal certificate for the current year. Failure to renew the license annually shall automatically result in a forfeiture of the right to engage in the refrigeration business. Any licensee who allows his license to lapse may be reinstated by the board upon payment of a fee of thirty dollars ($30.00); provided any person who fails to renew his license for two consecutive years shall be required to take and pass the examination prescribed by the board for new applicants before being licensed to engage further in the refrigeration business.

Sec. 14. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 15. This Act shall be in full force and effect from and after January 1, 1956.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 524 CHAPTER 913

AN ACT TO AMEND THE RULES OF THE ROAD PROVISION OF THE MOTOR VEHICLE LAWS.

The General Assembly of North Carolina do enact:

Section 1. (a) Amend G. S. 20-181 in line 3 thereof after the word "highways" and before the word "shall" by adding the following: "or when following another vehicle at a distance of less than 200 feet, except when engaged in the act of overtaking and passing".

(b) Amend G. S. 20-18 by rewriting same to read as follows:

"Conviction of offenses described in Section 20-181 shall not be cause for the suspension or revocation of operator's or chauffeur's license under the terms of this Article."

Sec. 2. Section 20-150 of the General Statutes is hereby amended by adding to the end thereof a new subsection to be designated subsection (e) and to read as follows:

"The driver of a vehicle shall not overtake and pass another on any portion of the highway which is marked by signs or markers placed by the State Highway and Public Works Commission stating or clearly indicating that passing should not be attempted."

Sec. 3. Subsection (a) of Section 20-149 of the General Statutes is hereby amended by adding to the end thereof a new sentence to read as follows:

"This subsection shall not apply when the overtaking and passing is done pursuant to the provisions of G. S. 20-150.1."

Sec. 4. Section 20-151 of the General Statutes is hereby amended by rewriting the Section to read as follows:

"The driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear, shall, unless the overtaking and passing is being made upon the right as permitted in Section 20-150.1, give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle. In any event the driver of the overtaken vehicle shall not increase the speed of his vehicle until completely passed by the overtaking vehicle."

Sec. 5. Subsection (a) of Section 20-153 of the General Statutes is hereby amended by adding to the end thereof a new sentence to read as follows:

"When a vehicle is being operated on a three-lane street or highway, the driver thereof intending to turn to the left at an intersection shall approach the intersection in the lane nearest to the center of the highway and designated for use by vehicles traveling in the same direction as the vehicle about to turn."

Sec. 6. Amend G. S. 20-155 by adding a new subsection to be designated as subsection (d) and to read as follows:

"(d) The driver of any vehicle approaching but not having entered a traffic circle, shall yield the right-of-way to a vehicle already within such traffic circle."

Sec. 7. (a) Subsection (a) of Section 20-155 of the General Statutes is hereby amended by inserting therein immediately following the figures "20-156" at the end of the subsection the words and figures "and except where the vehicle on the right is required to stop by a sign erected pursuant to the provisions of Section 20-158 and except where the vehicle on the right is required to yield the right-of-way by a sign erected pursuant to the provisions of H. B. No. 384, ratified March 23, 1955."

(b) Subsection (a) of Section 20-158 of the General Statutes is hereby amended by inserting therein immediately following the word "thereto" in the eighth line of the subsection the words "and yield the right-of-way to vehicles operating on the designated main traveled or

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through highway and approaching said intersection."

Sec. 8. (a) Subsection (b) of Section 20-166 of the General Statutes is hereby amended by rewriting the subsection to read as follows:

"The driver of any vehicle involved in an accident or collision resulting in damage to property and in which there is not involved injury or death of any person shall immediately stop his vehicle at the scene of the accident or collision and shall give his name, address, operator's or chauffeur's license number and the registration number of his vehicle to the driver or occupants of any other vehicle involved in the accident or collision or to any person whose property is damaged in the accident or collision; provided, if the driver or other occupants of the other vehicle or vehicles involved in the accident or collision or the person or persons whose property is damaged in the accident or collision are not known, the driver shall furnish the information required by this subsection to the nearest available peace officer. Any person violating the provisions of this subsection shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court."

(b) Subsection (c) of Section 20-166 of the General Statutes is hereby amended by deleting from the second line of the subsection as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes the words "or damage to property".

(c) Section 20-182 of the General Statutes is hereby amended by inserting therein between the words "stop" and "in" in the second line of the Section the words "or render aid or give the information required".

Sec. 9. Subsection (c) of Section 20-166.1 of the General Statutes is hereby amended by adding to the end of the second paragraph of the subsection a new proviso to read as follows:

"Provided, the report required in the event that the driver is unable to report the collision to the owner of the parked or unattended vehicle shall be made in all cases regardless of the amount of the damage incurred."

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 647 CHAPTER 914

AN ACT AMENDING G. S. 55-48 RELATING TO THE ELECTION OF THE TRUSTEES OR THE DIRECTORS OF NONPROFIT NONSTOCK CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 55-48, as the same appears in Volume 2B of the General Statutes, be and the same is hereby amended by adding in the fifth line of the second paragraph thereof after the word "individuals" and before the word "or" the following:

"or by the remaining members of the board of trustees or directors when all terms do not expire at the same time,"

Sec. 2. The Selection prior to the ratification of this Act of any board of trustees or board of directors of a nonprofit nonstock corporation by the method authorized by this Act is hereby ratified, validated and confirmed, and the acts of any such board shall be construed to be the acts of the corporation: Provided that this Section shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 800 CHAPTER 915

AN ACT TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS WITHIN THE SEVENTEENTH SOLICITORIAL DISTRICT TO FURNISH A FULL-TIME SECRETARY TO THE SOLICITOR OF THE SEVENTEENTH SOLICITORIAL DISTRICT, AND TO PROVIDE SUITABLE OFFICES FOR THE SOLICITOR OF SAID DISTRICT AND TO PAY FOR SAME.

The General Assembly of North Carolina do enact:

Section 1. The Boards of County Commissioners within the Seventeenth Solicitorial District, namely, Davie County, Wilkes County, and Yadkin County, be and they are hereby authorized and empowered, in their discretion, to furnish a full-time secretary to the Solicitor of the Seventeenth Solicitorial District, said secretary to be selected by the solicitor and to work under his direction and supervision.

Sec. 2. The Board of County Commissioners for each of the following counties within the Seventeenth Solicitorial District, namely, Davie County, Wilkes County, and Yadkin County, may, in their discretion, appropriate and pay from the treasury of the said counties the sum of thirty dollars ($30.00) each per month to the solicitor of said district to be by him applied on the salary of said secretary.

Sec. 3. The board of county commissioners in the county in which the said solicitor resides is hereby authorized and empowered, in its discretion, to furnish office space for the office of said Solicitor of the said Seventeenth Solicitorial District, and, in lieu of furnishing actual office space, said board of county commissioners is hereby authorized and empowered to pay to said solicitor the sum of twenty dollars ($20.00) per month to be by him applied on the payment of rental for said office.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be enforced from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 766 **CHAPTER 916**

AN ACT TO AMEND CHAPTER 476, SESSION LAWS OF 1945, RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF A JOINT AIRPORT FOR THE COUNTY OF RANDOLPH AND THE TOWN OF ASHEBORO.

The General Assembly of North Carolina do enact:

Section 1. Chapter 476 of the Session Laws of 1945 is hereby amended in the respects herein set forth.

Sec. 2. Insert immediately following Section 8 of Chapter 476 Session Laws of 1945 a new Section to be designated as Section 8½ to read as follows:

"Sec. 8½. A. The Randolph Airport Commission (hereinafter referred to as 'Commission'), shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by future Acts of the General Assembly.

"B. The representatives appointed shall, for the purpose of doing business, constitute a board of directors, which may adopt suitable bylaws for its management. The members of the board shall receive no compensation, per diem or otherwise, but shall be allowed and paid their actual traveling expenses incurred in transacting the business and at the instance of the said Commission.

"C. The said Commission shall constitute a body, both corporate and politic, and shall have the following powers and authority:

"(1) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields, landing floats, ramps, oil docks, and other general facilities for the use of airplanes and other aircraft within the limits of the County of Randolph; and for any of such purposes, to own, hold, lease and/or operate real or personal property; to borrow money and to issue bonds and to secure the same by mortgages, with the consent of the Randolph County Commissioners, upon any property held or to be held by it.

"(2) To sue or be sued in the name of said Commission, to acquire by purchase and to hold lands for the purpose of constructing, maintaining or operating any airport within the limits of said county, and to make such contracts and to hold such personal property as may be necessary for the exercise of the powers of the said Commission.

"(3) To charge and collect reasonable and adequate fees and rents for the use of the airport property or for services rendered in the operation thereof.

"(4) To make all reasonable rules and regulations as it deems necessary for the proper maintenance and operation of the said airport, and to provide penalties for the violation of such rules and regulations; provided said rules and regulations and schedules of fees be not in conflict with the laws of the State of North Carolina, and the rules and regulations of the Civil Aeronautics Administration of the Federal Government.

"(5) To issue bonds or other securities and obligations for the pur-

pose of providing funds for such construction, maintenance and operation of the said airport facilities. The said bonds, if and when so issued, shall be denominated 'Randolph Airport Commission Bonds', and shall be issued in such form and denomination and shall mature at such time or times, not exceeding fifty years after their date, and shall bear such rate of interest, not exceeding six per cent (6%) per annum, payable annually or semi-annually, as the said Commission may determine. The bonds shall be signed by the chairman of the said Commission and the corporate seal affixed or impressed upon each bond, and attested by the secretary of the said Commission. The coupons to be attached to said bonds shall bear the facsimile signature of the chairman of the Commission. Such bonds, notes or securities issued for the purpose, or purposes, set out above, may be issued and sold only with the approval of the County Commissioners of Randolph County, but the sale shall be made under the provisions of the Municipal Finance Act of the State of North Carolina and with the approval of the Local Government Commission.

"Bonds and notes issued under this Act shall be exempt from all State, Federal, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds or notes shall not be subject to taxation as income. The said bonds, notes or other security shall not be obligations of the County of Randolph, but the said Commission is authorized and empowered to pledge the revenues, rents, income and tolls arising out of the use of any airport property or any specific part of said airport property until such time as the sums borrowed therefor are fully amortized and repaid. The said bonds or other securities which the said Commission may incur shall be issued and incurred upon such other terms and conditions as the said Commission may deem proper.

"D. The Commission is hereby authorized and empowered to acquire from the County of Randolph and the Town of Asheboro, by agreement therewith, and such county and town are hereby authorized and empowered to grant and convey, either by gift or for such consideration as it may be deemed wise, any real or personal property which it now owns or may hereafter be acquired, and which may be necessary for the construction, operation and maintenance of any airport located in the County of Randolph. The acquisition of any property, real or personal, heretofore accomplished by said Commission from said county or town is hereby ratified and approved.

"E. Any lands acquired, owned, controlled or occupied by the said Commission shall, and are hereby declared to be acquired, owned, controlled and occupied for a public purpose.

"F. Private property needed by said Commission for any airport or landing field may be acquired by gift or devise, or may be acquired by purchase, or by condemnation, where necessary in the judgment of the Commission, under and in accordance with the laws of the State of North Carolina relating to eminent domain and condemnation proceedings.

"G. The said Commission shall make an annual report to the Board of Commissioners of Randolph County and Town of Asheboro Commissioners, setting forth in detail the operations and transactions conducted

by it pursuant to this Act. The said Commission shall be regarded as the corporate instrumentality and agent for the County of Randolph and the Town of Asheboro for the purpose of developing airport facilities in the County of Randolph, but it shall have no power to pledge the credit of the County of Randolph, or the Town of Asheboro, or any subdivision of either, or to impose any obligation upon the County of Randolph or the Town of Asheboro, or any subdivision of either, except and when such power is expressly granted by statute or the consent of the County of Randolph or the Town of Asheboro.

"H. All rights and powers given to the counties or municipalities by the Statutes of North Carolina, which may now be in effect or be enacted in the future relating to the development, regulation and control of municipal airports and the regulations of aircraft, are hereby vested in the said Commission, and the County of Randolph and the Town of Asheboro may delegate their powers under the said acts to the Commission, and the Commission shall have concurrent right with the County of Randolph and Town of Asheboro to control, regulate and provide for the development of aviation in the County of Randolph.

"I. The said Commission is hereby authorized to employ such agents, engineers and attorneys and other persons whose services may be deemed by the Commission to be necessary or useful in carrying out the provisions of this Act. Members of the said Commission shall not be personally liable, in any manner, for their acts as members of the Commission, except for misfeasance or malfeasance."

Sec. 3. This Act shall apply only to Randolph County.

Sec. 4. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, and all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 822 CHAPTER 917

AN ACT TO AMEND G. S. 20-140.1 RELATING TO RECKLESS DRIVING OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-140.1 is hereby amended by inserting after the comma following the word "subdivisions" and before the word "carelessly" in line 5 the words "or upon the grounds and premises of any service station, drive-in theater, supermarket, store, restaurant or office building, or any other business or municipal establishment, providing parking space for customers, patrons or the public."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 913 CHAPTER 918

AN ACT AMENDING G. S. 153-9(43) RELATING TO THE LEVY OF A SPECIAL TAX TO PAY THE SALARIES AND EXPENSES OF THE FARM AND HOME DEMONSTRATION AGENTS AND THE VETERANS' SERVICE OFFICER SO AS TO MAKE THE SAME APPLICABLE TO MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-9(43), as the same appears in the 1953 Supplement to Volume 3C of the General Statutes, be and the same is hereby amended by inserting the word "Macon" between the words "Lenoir" and "McDowell" in the last line thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 915 CHAPTER 919

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MACON COUNTY TO LEVY A TAX IN HIGHLANDS TOWNSHIP IN MACON COUNTY FOR THE SUPPORT, OPERATION AND MAINTENANCE OF THE HIGHLANDS COMMUNITY HOSPITAL, INC., A NON-PROFIT ORGANIZATION.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Macon County is hereby authorized, empowered and directed, after 15 days notice at the courthouse door and one publication in one or more newspapers published in Macon County, to order a special election to be held at such time as they may fix, but sometime during the year of 1955, to determine the will of the people of Highlands Township in Macon County as to whether or not the Board of Commissioners of Macon County shall levy a special annual tax of not less than forty cents (40c) nor more than sixty cents (60c) on each one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in said Highlands Township in Macon County. The said tax and the proceeds derived from same, shall be set aside and used as a fund for financing the cost of operation, equipment and maintenance of the said Highlands Community Hospital, Inc., a nonprofit hospital and organization operated for the public, and for the treatment of charitable and indigent cases.

Sec. 2. The question of levying such special annual tax shall be submitted to the qualified voters of said Highlands Township in Macon County at an election to be held as hereinbefore provided. The rate, or amount, of such tax, or taxes, for which a levy may be made hereunder shall be determined by the Board of County Commissioners of Macon County but shall not be less than forty cents (40c) nor more than sixty cents (60c) on each one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in said Highlands Township in Macon County, and a ballot shall be furnished to each qualified voter at said election, which ballot may contain the words: "For Hospital Maintenance Tax (briefly stating any other pertinent information)", and "Against Hospital Maintenance Tax (briefly stating any other pertinent information)", with a square in front of each proposition, in one of which squares the voter may make an (X) mark; but any other form of ballot containing adequate information and properly stating the question to be voted upon shall be construed as being in compliance with this Act.

Sec. 3. The election herein authorized and directed under the terms of this Act shall be held in the same method and manner and under the same rules and provisions of law as elections held under Article 9 of Chapter 153 of the General Statutes, as amended, the same being designated as the "County Finance Act", and said election may be held at any time fixed by the Board of County Commissioners of Macon County but sometime during the year 1955, and regardless of whether or not the same is held one month, or any other period of time, before or after any regular election for county officers or any other special election. The tax levy herein provided for shall not be effective unless approved by a majority of those who shall vote thereon in such election held for such purpose.

Sec. 4. If a majority of the qualified voters of Highlands Township in Macon County approve said tax levy, the Board of County Commissioners of Macon County shall levy the tax so authorized, which shall be collected in the same manner as other taxes are collected, and the proceeds derived from same shall be set aside in a special account, designated as "Highlands Community Hospital Fund", and the same shall be paid out the same as any other county funds with the approval of the county auditor as to countersigning vouchers or drafts for same, but the same shall be paid immediately to said hospital upon request of the Board of Trustees of Highlands Community Hospital, Inc., or its authorized fiscal agent, and the governing body of said hospital shall be the judge as to what bills or accounts it owes and the objectives to which the proceeds shall be applied, and the county auditor shall have no power of approval as to the objectives and purposes or accounts for which the funds shall be paid, the same being a matter in the control and determination of said hospital.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 921 CHAPTER 920

AN ACT TO AUTHORIZE MUNICIPALITIES IN ALAMANCE COUNTY TO ESTABLISH SPECIAL RESERVE FUNDS.

The General Assembly of North Carolina do enact:

Section 1. The governing body of each municipality in Alamance County is authorized and empowered to establish, in addition to all other funds now authorized by law, a fund to be known as the "Special Reserve Fund."

Sec. 2. When a governing body elects to establish such a fund, it shall pass an ordinance creating the fund. Thereafter, the governing body may from year to year make appropriations in the General Fund for deposit to the Special Reserve Fund.

Sec. 3. In the ordinance creating the fund, the governing body shall designate some bank, banks or trust company as depository in which the appropriations to the Special Reserve Fund shall be deposited and earmarked for the use of such Special Reserve Fund. All such deposits shall be secured as provided by Chapter 159, Section 28 of the General Statutes of North Carolina. Pending their use for the purposes hereinafter provided, all or any portion of the moneys in said fund may be invested in either bonds, notes or certificates of indebtedness of the United States of America; or in bonds or notes of any agency or instrumentality of the United States of America the payment of principal and interest of which is guaranteed by the United States of America; or in bonds or notes of the State of North Carolina; or in bonds of any county, city or town of North Carolina which have been approved by the Local Government Commission for the purpose of such investment; or in shares of any building and loan association organized and licensed under the laws of the State, or in shares of any Federal savings and loan association organized under the laws of the United States with its principal office in this State, to the extent that such investment is insured by Federal Deposit Insurance. The proceeds of the sale or realization of such investments and any interest resulting from such investments shall be deposited to the credit of the Special Reserve Fund.

Sec. 4. Withdrawals of all or any part of such fund may be made from time to time and applied to or expended for all or any portion of the cost of the following purposes which are hereby declared to be necessary expenses, and shall not be expanded for any other purpose:

Construction, enlargement or extension of water and sewer systems and facilities.

Sec. 5. Before any withdrawal is made, the governing body shall by resolution authorize such withdrawal. It shall specify the amount of

such withdrawal, and the purpose for which such amount shall be spent. Any resolution authorizing withdrawal shall be adopted at a regular or special meeting of the governing body and shall then be published at least once in each of two succesive weeks in some newspaper published in the municipality, and such resolution shall not become effective until thirty (30) days after the date of first publication: Provided, if no newspaper is published in the municipality, the notice shall be published in a newspaper with general circulation in the municipality. No right of action or defense founded upon the invalidity of such resolution shall be asserted, nor shall the validity thereof be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the date of first publication.

Sec. 6. In the event that an emergency arises which in the opinion of the governing body involves the health, safety or welfare of the inhabitants of the municipality, necessitating the immediate expenditures of all or any portion of such Special Reserve Fund for the purposes for which the fund is created, a withdrawal may be made from the fund by resolution of the governing body without publication as provided for in the preceding Section. Such resolution shall declare that an emergency exists and set forth such facts as are necessary to show that such emergency does exist.

Sec. 7. It is the intent and purpose of this Act to authorize the accumulation of moneys in the Special Reserve Fund sufficient to carry out the purposes for which the fund is created. The annual appropriation to any Special Reserve Fund established under authority of this Act shall in no event exceed five per cent (5%) of the current budget of the municipality concerned.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 940 CHAPTER 921

AN ACT TO PROVIDE FOR THE REGULATION OF THE SUBDIVISION OF LAND IN AND AROUND THE CITY OF RALEIGH.

WHEREAS, the process of land subdivision establishes a pattern of streets and land ownership that, once created, will probably exist for hundreds of years; and

WHEREAS, faulty street and lot layouts blight urban areas giving rise to inefficient and inappropriate uses of land, and creating conditions which require excessive expenditures for municipal facilities, services and the maintenance thereof, the cost of which must be borne through the years by tax-paying citizens of our cities and towns; and

WHEREAS, the efficient and wise use of land and the orderly growth

of cities and towns require that new subdivisions be designed in accordance with reasonable standards and comprehensive plans for the growth of the urban areas; and

WHEREAS, existing State legislation authorizing cities and towns of North Carolina to regulate the design of subdivisions is woefully inadequate, in light of the needs and in comparison with the legislation of the great majority of the states: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Municipal Legislative Body As Platting Authority. — The legislative body of the City of Raleigh is hereby authorized to enact an ordinance providing that no plat of a subdivision of land lying within the municipality or within two miles in all directions of its corporate limits shall be filed or recorded until it shall have been submitted to and approved by said legislative body and such approval entered in writing on the plat by the city clerk and treasurer. If Wake County be granted and exercises the power to control subdivisions within its boundaries, the authority granted to the City of Raleigh shall be restricted to not more than one mile beyond its corporate limits.

If the legislative body of the City of Raleigh adopts an ordinance regulating the subdivision of land as authorized herein, it shall file a copy of such ordinance with the Register of Deeds of Wake County. The register of deeds shall not thereafter file or record a plat of a subdivision of land located within the territorial jurisdiction of such municipal legislative body as defined herein without the approval of said legislative body as required in this Act. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of the City of Raleigh as defined herein. The filing or recording of a plat of a subdivision without the approval of the municipal legislative body as required by this Act shall be null and void. The Clerk of Superior Court of Wake County shall not order or direct the recording of a plat where such recording would be in conflict with this Section.

Sec. 2. Subdivision Regulations. — Prior to exercising the powers granted to it by this Act, the municipal legislative body shall by ordinance adopt regulations governing the subdivision of land within its platting jurisdiction as herein defined. Such ordinance shall require that at least a preliminary plan of every proposed subdivision shall be submitted to the City Planning Commission created and appointed under the authority of the City Charter for study and recommendation.

Such ordinance may provide for the orderly development of the municipality and its environs; for the coordination of streets within subdivisions with existing or planned streets; for the dedication of rights of way or easements for streets and utilities; for the reservation of open spaces for parks, schools, fire stations and churches for a period not to exceed four years from date of approval; and for the distribution of population and traffic which shall avoid congestion and overcrowding,

and which shall create conditions essential to public health, safety, and general welfare.

Such ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

Such ordinance may include requirements as to the improvement and grading of streets and installation of surface water drainage facilities as a condition precedent to the approval of the plat. Such ordinance may require the installation of water and sewer facilities conforming to ordinances of the city where such facilities are available or are made available at the boundary of the plat; and may require paving, curbs and gutters, if water and sewer are installed, as a condition precedent to the approval of the plat. The legislative body shall provide for the preliminary approval of the plat previous to such improvements and installations. Such ordinance may provide that in lieu of the completion of such work and installations prior to the final approval of a plat, the legislative body may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the legislative body and expressed in the bond; and the municipality is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. Such ordinance may provide, in lieu of the completion prior to the final approval of a plat of such work and installations on lands within the corporate limits of the municipality, for an assessment under Article 9 of Chapter 160 or other statutory authorization whereby the municipality may do said work and make said installations at the cost of the owners of the property within the subdivision.

Before adoption of a subdivision control ordinance or any amendment thereof, the legislative body shall hold a public hearing thereon. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in such municipality, said notice to be published the first time not less than fifteen days prior to the date fixed for said hearing.

Sec. 3. Effect of Plat Approval on Status of Dedications. — The approval of a plat by the legislative body shall not be deemed to constitute or effect the acceptance by the municipality or public of the dedication of any street or other ground, public utility line, or other public facility shown upon the plat, unless so stated on the plat and signed by the city clerk and treasurer.

Sec. 4. Penalties for Transferring Lots in Unapproved Subdivision. — If the legislative body adopts an ordinance regulating the subdivision of land as authorized herein, any person who, being the owner or agent of the owner of any land located within the platting jurisdiction granted to the municipality, thereafter transfers or sells such land by reference to

a plat which was not recorded in the office of the Register of Deeds of Wake County, showing a subdivision of such land before such plat has been approved by said legislative body, shall upon conviction be guilty of a misdemeanor.

Sec. 5. Acceptance of and Improvements in Unapproved Streets. — From and after the time when the platting jurisdiction of the municipal legislative body shall have attached by virtue of the adoption of a subdivision control ordinance as provided in this Act, the municipality shall not accept for maintenance, lay out, open, improve, grade, pave, or light any street or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street within the municipality or other territorial jurisdiction of said legislative body as defined herein (a) unless such street shall have been accepted or opened as, or shall have otherwise received the legal status of a public street prior to the said attachment of the legislative body's subdivision jurisdiction, or (b) unless such street correspond in its location and lines with a street shown on a subdivision plat approved by said legislative body, or (c) unless such street be accepted as a public street by vote of a majority of all the members of said legislative body.

Sec. 6. Definitions. — For the purpose of this Act, the following definition shall apply:

Subdivision. A "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Act: (a) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the municipality; (b) the division of land into parcels greater than five acres where no street right of way dedication is involved; (c) the public acquisition by purchase of strips of land for the widening or opening of streets.

Sec. 7. Powers Granted Herein Supplementary. — The powers granted by this Act shall be deemed supplementary to any powers heretofore or hereafter granted under the general law or by charter or by local statute for the same or a similar purpose, and in any case where the provisions of this Act conflict with or are different from such provisions of the Charter of the City of Raleigh or local statute, the legislative body of the municipality may in its discretion proceed in accordance with the provisions of said charter or local statute, or in accordance with the provisions of this Act.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 9. If for any reason any Section, provision, item, phrase, clause, sentence, or part of any Section of this Act shall be held unconstitutional, the invalidity of such Section, provision, item, phrase, clause, sentence, or

part of Section shall not affect the validity of the remainder of this Act; but such remainder shall be permitted to stand and the various provisions of this Act are hereby declared to be separable for that purpose.

Sec. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 944 CHAPTER 922

AN ACT TO AMEND G. S. 6-1 SO AS TO PROVIDE FOR THE TAXING OF THE AMOUNT OF PREMIUMS OF SURETY BONDS IN CIVIL ACTIONS AS A PART OF THE COSTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 6-1 is amended by adding a new paragraph at the end thereof to read as follows:

"Where a party to a civil action gives a prosecution bond as required by G. S. 1-109 or a bond for costs as required by G. S. 1-111 with a surety company instead of a personal surety, the premiums on all such surety bonds shall be taxed as a part of the costs."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 947 CHAPTER 923

AN ACT TO AMEND G. S. 105-53, RELATING TO PEDDLERS, INSOFAR AS THE SAME IS APPLICABLE TO GATES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (g) of G. S. 105-53 is hereby amended by striking out the words and figures "twenty-five dollars ($25.00)" in the last line of said subsection and by inserting in lieu thereof the words and figures "one hundred dollars ($100.00)".

Sec. 2. The provisions of Section one of this Act shall not be applicable to any person, firm or corporation when ninety per cent (90%) of the goods, wares or merchandise ordinarily sold by such person, firm or corporation is of an assorted nature or variety consisting of medicines, household remedies, spices, extracts, foodstuffs, toiletries, insecticides, stock and poultry preparations and kindred products.

Sec. 3. This Act shall apply only to Gates County.

Sec. 4. All laws and clauses of laws conflicting with this Act are hereby repealed.

Sec. 5. This Act shall become effective June 1, 1955.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 952 **CHAPTER 924**

AN ACT RELATING TO THE RECORDING OF PLATS AND SUBDIVISIONS IN THE TOWN OF CONOVER IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 783 of the Session Laws of 1953 is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 954 **CHAPTER 925**

AN ACT AMENDING THE COUNTY FINANCE ACT SO AS TO AUTHORIZE COUNTIES TO BORROW MONEY FOR EXPENSES OF REVALUATION AND REASSESSMENT OF PROPERTY, APPLICABLE ONLY TO SAMPSON COUNTY.

WHEREAS, it is hereby declared to be the intent and purpose of the laws and Constitution of this State pertaining to the taxation of real property of the same class that such property shall, as far as practicable, be valued for ad valorem taxation at its true value in money, and that counties shall, from time to time and as necessity demands, revalue such property for taxation in order that its value shall conform with values resulting from changed economic conditions and to the end that any inequalities of such valuation which have arisen among pieces or parcels of real property of like character may be removed and such valuation be uniformly maintained, and

WHEREAS, due to the rising economy throughout the nation during the past decade or more and the resulting increase of the general expenses of county government and because of the limitation of tax rate in Article V, Section 6 of the Constitution certain counties have been and still are unable to finance the cost of a systematic and efficient revaluation of real property as contemplated by such laws and Constitution from their current operating (general) funds and have thus been forced to continue to postpone such revaluation, and

WHEREAS, such revaluation is essential to the economic welfare and financial stability of counties, and

WHEREAS, the cost of such revaluation, by virtue of postponement under authority of the relating statutory law, is not essentially a recurring operating or general expense of county government, but is a special purpose within the meaning of the Constitution of North Carolina for which a special tax may be levied: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That Section 153-77, Volume 3C of the General Statutes, as amended, being a portion of the County Finance Act, shall be and the same is hereby amended by adding the following clause at the end of said Section:

"(o) Financing the cost of revaluation and reassessment of real property for taxation as provided in Articles 13, 14 and 15 of Chapter 105, Volume 2C of the General Statutes, as amended.".

Sec. 2. That Section 153-80, Volume 3C of the General Statutes, as amended, shall be and the same is hereby amended by adding the following clause at the end of said Section:

"(i) Financing the cost of revaluation and reassessment of real property, ten years.".

Sec. 3. That the authority given to counties to issue bonds and notes pursuant to the County Finance Act for the purpose stated in clause (o) of Section 153-77 of the General Statutes, as amended in Section 1 of this Act, shall be in addition to and not in substitution for any other authority given by law for the issuance of bonds or notes.

Sec. 4. That the provisions of this Act shall apply only to the County of Sampson, which county may not issue bonds or notes for an amount exceeding forty-five thousand dollars ($45,000.00) for the purpose stated in Section 153-77 of the General Statutes, as amended by Section 1 of this Act.

Sec. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 961 CHAPTER 926

AN ACT ENABLING THE TOWN OF AYDEN IN PITT COUNTY TO MAKE ASSESSMENTS AND COLLECTIONS FROM TIME TO TIME FOR THE DRAINAGE OF PROPERTY BELONGING TO CITIZENS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. Upon petition signed by a majority of the owners of a majority of the property to be benefited by a proposed drainage project, the Commissioners of the Town of Ayden shall appoint one member from the town board and two citizens of the town who shall compose a Drainage Committee for said project and said Drainage Committee shall, after being duly sworn by the clerk of the town board, view the property mentioned in said petition and decide what assessments of cost for such drainage each property owner shall bear of the total cost of the project.

Sec. 2. Said Drainage Committee shall have authority to employ an engineer to advise it in this matter and the fee of said engineer shall be part of the costs of said project. Such Drainage Committee shall make a report to the town board of its findings and recommended assessments and the town board shall either accept or reject such recommendations and if the town board accepts same, each property owner within the

district defined and included in the report of said commissioners shall be notified that the proceeding is pending and that the assessments have been made and that they will have an apportunity to be heard on a given date and at a given place by the town board, said time and place being five days after said notice, said notice being given by letter sent to the last known address of said property owner and said notice being complete upon the mailing of said notice by the Clerk of the Town Board of Ayden.

Sec. 3. On the date set, the town board with the two committee members from the Drainage Committee shall decide whether said assessments shall be made permanent and those persons appearing shall be given an opportunity to be heard for and against said assessments. If the town board and the Drainage Committee shall decide that the drainage is necessary and that the proposed improvements are also necessary and that the cost of said improvements, as outlined by the commissioners is equitable and just, then the said town board shall make an assessment against the property owners according to the assessment outlined by the Drainage Committee and said assessment shall be payable by said property owners in five (5) annual installments with six per cent (6%) interest from the date an obligation for such drainage is incurred. The said assessment shall constitute a lien on said property and shall have the same priority as an assessment for the improvement of streets and shall be collectible in the same manner.

Sec. 4. From the confirmation of such assessment, the property owner shall have the right to appeal to the Superior Court of Pitt County under the same procedure as is prescribed in Article 9, Chapter 160 of the General Statutes, for appeals from assessments for local improvements.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 969 CHAPTER 927

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HAYWOOD COUNTY TO LEVY A SPECIAL TAX TO PROVIDE FOR A BUILDING FOR LIVESTOCK, AGRICULTURAL, HOME ARTS AND INDUSTRIAL SHOWS AND EXHIBITS AND OTHER COMMUNITY, CIVIC AND EDUCATIONAL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Haywood County is hereby authorized, in its discretion, to construct, maintain and operate a building suitable for use for livestock, agricultural, home arts and industrial shows and exhibits and other community, civic and educational purposes. Said board is hereby authorized to purchase such real estate as may be necessary for the purposes above set out, and to purchase and maintain the necessary equipment for such building.

Sec. 2. The Board of County Commissioners of Haywood County may annually levy a tax not in excess of three cents ($.03) on each one hundred dollars ($100.00) valuation of real and personal property taxable in said county, the proceeds of which tax shall be used and expended under the direction and control of the commissioners, upon such terms and conditions as said commissioners shall prescribe for the purpose of constructing, maintaining and operating a building suitable for the uses set out above.

Sec. 3. The Governing Body of Haywood County shall not levy any tax or appropriate or expend any money pursuant to the provisions of this Act unless and until the same shall have been approved by a majority of those who shall vote at the election provided for in Section 4 of this Act.

Sec. 4. The will of the qualified voters of Haywood County upon the question of the levying of the tax provided for in this Act shall be ascertained by a vote thereon at the forthcoming general election to be held in November, 1956. A ballot shall be furnished each qualified voter of the county at said election, which ballot shall be in the following form: "For the special levy to provide for the construction, maintenance and operation of a building suitable for use for livestock, agricultural, home arts and industrial shows and exhibits and other community, civic and educational purposes", and "Against the special levy to provide for the construction, maintenance and operation of a building suitable for use for livestock, agricultural, home arts and industrial shows and exhibits and other community, civic and educational purposes". Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and negative forms, in one of which squares the voter may make a cross (X) mark.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 976 CHAPTER 928

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF SAMPSON COUNTY TO FIX THE FEES TO BE CHARGED BY THE REGISTER OF DEEDS AND THE CLERK OF THE SUPERIOR COURT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Sampson County is authorized and empowered to fix, in its discretion, all fees and commissions which may be charged by the Register of Deeds and the Clerk of the Superior Court of Sampson County. Such fees and commissions may be

fixed from time to time by resolution of the Board of County Commissioners, and when once fixed, may be changed at any time but may not be increased or decreased more than fifty per cent (50%) during any one fiscal year of the county.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 990 CHAPTER 929

AN ACT AMENDING CHAPTER 45 OF THE GENERAL STATUTES SO AS TO VALIDATE CERTAIN ENTRIES OF CANCELLATION OF MORTGAGES OR DEEDS OF TRUST WHEN THE NOTES SECURED THEREBY ARE MADE PAYABLE TO HUSBAND AND WIFE, OR THE SURVIVOR.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 45 of the General Statutes of North Carolina, as the same appears in Volume 2A thereof, be and the same is hereby amended by adding a new Section immediately following § 45-37.1 to be numbered § 45-37.2 and reading as follows:

"In all cases where, prior to January 1st 1955, entries of cancellation of mortgages, chattel mortages, conditional sales agreements or deeds of trust, have been made on the margin or face of the record by the register of deeds, when the notes or bonds secured by said instruments have been made payable to husband and wife, or either of them or the survivor, and when the register of deeds has made such entry of cancellation based upon the exhibition to him of such notes or bonds and the instruments marked paid and satisfied by either the husband or the wife, all such entries of cancellation and satisfaction are hereby validated and made full, sufficient and complete to release, satisfy and discharge the lien of such instrument, and shall have the same effect as if such acknowledgement of payment and satisfaction had been made and signed by both the husband and the wife."

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3½. This Act shall apply only to Caswell and Washington Counties.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 991 CHAPTER 930

AN ACT PROVIDING FOR THE EXERCISE OF POWERS BY POLICE OFFICERS OF THE TOWN OF WELDON IN HALIFAX COUNTY ANYWHERE WITHIN ONE MILE BEYOND THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The police officers of the Town of Weldon in Halifax County shall have, in all that territory embraced within one mile in all directions of the present corporate limits of said town within the County of Halifax, all the powers and authority which they now exercise within the corporate limits of said town.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 1005 CHAPTER 931

AN ACT AMENDING G. S. 153-9(43) SO AS TO ADD LINCOLN TO THE LIST OF COUNTIES AUTHORIZED TO LEVY TAXES FOR THE SPECIAL PURPOSES OF PAYING THE SALARY AND EXPENSES OF THE COUNTY ACCOUNTANT, THE FARM DEMONSTRATION AGENT, THE HOME DEMONSTRATION AGENT, AND THE VETERANS' SERVICE OFFICER.

The General Assembly of North Carolina do enact:

Section 1. That Subsection 43 of G. S. 153-9, as the same appears in the 1953 Supplement to Volume 3C of the General Statutes, be and the same is hereby amended by adding in the last line thereof between the words "Lenoir" and "McDowell" the word "Lincoln".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 1006 CHAPTER 932

AN ACT AMENDING G. S. 153-9(7) SO AS TO ADD LINCOLN TO THE LIST OF COUNTIES AUTHORIZED TO LEVY A SPECIAL TAX FOR THE EXPENSE OF THE QUADRENNIAL VALUATION OF PROPERTY FOR TAXATION.

The General Assembly of North Carolina do enact:

Section 1. That subsection (7) of G. S. 153-9, as the same appears in Volume 3C of the General Statutes, be and the same is hereby amended

by adding in the fourth line thereof between the words "Jackson" and "McDowell" the word "Lincoln".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 1037 CHAPTER 933

AN ACT AUTHORIZING THE COMMISSIONERS OF MARTIN COUNTY TO LEVY A SPECIAL TAX NOT TO EXCEED 3c ON THE $100.00 VALUATION OF PROPERTY TO BE DISTRIBUTED EQUALLY TO THE FIRE DEPARTMENTS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Martin County be and it is hereby authorized in its discretion to levy and collect a special tax not to exceed three cents (3c) on the one hundred dollars ($100.00) valuation of taxable property in said county, the proceeds of said tax to be distributed equally to each of the organized fire departments in said county.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 1069 CHAPTER 934

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY TO LEVY A SPECIAL TAX TO BE USED FOR RABIES CONTROL, TO EMPLOY THE NECESSARY NUMBER OF DOG WARDENS, TO BUILD A DOG POUND AND FOR ANY OTHER PURPOSES THAT WOULD PROMOTE RABIES CONTROL.

The General Assembly of North Carolina do enact:

Section 1. That in addition to any and all other taxes levied in Cumberland County, the Board of County Commissioners of Cumberland County is hereby authorized and empowered, in its discretion, to levy and cause to be collected annually, at the same time and in the same manner as the general taxes are levied and collected, a special tax not to exceed two cents (2c) on each one hundred dollars ($100.00) valuation of property in said county.

Sec. 2. The said tax, as authorized in Section 1 of this Act, when collected, shall be applied and used exclusively for rabies control in

Cumberland County, to employ the necessary number of dog wardens, to build a dog pound and for any and all other pertinent and relevant objectives that will promote and bring about effective rabies control in said Cumberland County.

Sec. 3. The board of county commissioners shall determine, in its discretion, the amount of tax to be levied, not to exceed, however, the two cents (2c) on each one hundred dollars ($100.00) valuation of property in Cumberland County, and the funds derived from said taxes shall be set aside in a special account and shall be disbursed and used as authorized and approved by the Board of County Commissioners of Cumberland County. If at the end of any tax period there shall remain any surplus in said fund, the same shall be considered by the board of county commissioners when said board makes its tax levies for the next tax year or period to the end, that, if possible, the rate levied may be reduced.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 1070 CHAPTER 935

AN ACT AMENDING G. S. 160-61.1 SO AS TO INCLUDE WARREN AND THE MUNICIPALITIES THEREIN IN THE LIST OF COUNTIES AUTHORIZED TO EXECUTE WARRANTY DEEDS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 160-61.1, as the same appears in Volume 3C of the General Statutes, be and the same is hereby amended by inserting the word "Warren" between the words "Union" and "Wayne" in the last line thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 1087 CHAPTER 936

AN ACT TO REGULATE AND FIX CERTAIN FEES TO BE CHARGED AND RECEIVED BY THE SHERIFF OF HYDE COUNTY FOR PERFORMING CERTAIN OFFICIAL DUTIES.

The General Assembly of North Carolina do enact:

Section 1. In addition to any and all other fees which the Sheriff of Hyde County is allowed and permitted by law to charge for his official

duties as sheriff, the said sheriff shall charge and receive the fees hereinafter appearing for the following services:

For serving an execution against property, a fee of one dollar and fifty cents ($1.50) and a commission on the first five hundred dollars ($500.00) collected of five per cent (5%) and a commission of two and one-half per cent (2½%) on all amounts collected over and above five hundred dollars ($500.00).

For serving civil summons, the sum of one dollar ($1.00) for each defendant.

For serving claim and delivery proceedings, two dollars ($2.00).

For serving a subpoena, sixty cents (60c) for each person served.

For serving a criminal warrant, the sum of two dollars ($2.00).

For serving a capias, the sum of two dollars ($2.00).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 1092 CHAPTER 937

AN ACT TO AUTHORIZE THE COUNTY OF PENDER TO ERECT AND EQUIP A LIBRARY AND AGRICULTURAL BUILDING AND TO ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. That the County of Pender, through its Board of County Commissioners, is hereby authorized and empowered to issue bonds of the county for the purpose of erecting and equipping a county building or buildings to provide library facilities and facilities for agricultural and county center functions and activities. Said bonds shall be issued in accordance with the provisions of the County Finance Act, as amended, and the Local Government Act as amended.

Sec. 2. That the powers granted by this Act are granted in addition to and not in substitution for existing powers of said county.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 1115 CHAPTER 938

AN ACT AMENDING G. S. 42-23 RELATING TO THE TERMS OF AGRICULTURAL TENANCIES SO AS TO MAKE THE PROVISIONS OF THE SAME APPLICABLE TO HARNETT COUNTY, AT THE OPTION OF THE PARTIES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 42-23, as the same appears in Volume 2A of the General Statutes, and the 1953 Supplement thereto, be and the same is hereby amended by adding at the end thereof the following:

"Provided that in Harnett County such agricultural year shall be from December 1st to November 30th of the next succeeding year, at the option of the landlord and the tenant.

Sec. 2. This Act shall apply to Harnett County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 1117 CHAPTER 939

AN ACT PROVIDING FOR THE REGULATION OF THE SUBDIVISION OF LAND IN AND AROUND CHAPEL HILL.

The General Assembly of North Carolina do enact:

Section 1. Municipal legislative body as platting authority. The legislative body of the Town of Chapel Hill is hereby authorized to enact an ordinance regulating the platting and recording of any subdivision of land as defined by this Act lying within the said municipality or within the area defined by Chapter 527, Session Laws 1953.

Sec. 2. Procedure for adopting subdivision ordinance. Before the legislative body of said municipality shall adopt a subdivision control ordinance or any amendment thereto under the provisions of this Act, the legislative body shall hold a public hearing on the proposed ordinance. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in such municipality.

Sec. 3. Procedure for filing plat. If the legislative body of said municipality adopts an ordinance regulating the subdivision of land as authorized herein, no subdivision plat shall be filed or recorded until it shall have been submitted to and approved by said legislative body and such approval entered in writing on the plat by the town clerk provided a copy of such ordinance shall be filed with the Register of Deeds of Orange County. The register of deeds upon receipt of such ordinance shall not hereafter file or record a plat of a subdivision of land located within the territorial jurisdiction of said municipal legialstive body as defined herein without the approval of such plat by said legislative body as

required in this Act. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of said municipality as defined herein. The Clerk of Superior Court of Orange County shall not order or direct the recording of a plat where such recording would be in conflict with this Section.

Sec. 4. Subdivision regulations. Prior to exercising the powers granted to it by this Act, the said municipal legislative body shall by ordinance adopted pursuant to this Act adopt regulations governing the subdivision of land within its platting jurisdiction as defined in Section 1 of this Act. Such ordinance shall require that at least a preliminary plan of every proposed subdivision shall be submitted for study, recommendation, and tentative approval, to the Planning Board for Chapel Hill and environs created and appointed under the authority of Sections 160-22 to 160-24 of the General Statutes and Chapter 527 of the Session Laws 1953.

Such ordinance may provide for the orderly development of the municipality and its environs; for the coordination of streets within proposed subdivisions with existing or planned streets or with other public facilities; for the dedication of reservations of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding, and which shall create conditions essential to public health, safety, and general welfare.

Such ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

Such ordinance may include requirements as to the improvement and grading of streets and construction and installation of street pavements, and surface water drainage as a condition precedent to the approval of the plat. In addition, such ordinance may require the installation of that water and sewer facilities so as to conform to ordinances of the municipality now or hereafter enacted regulating water and sewer extensions and installation as a condition precedent to the approval of the plat. The legislative body shall provide that the plat be tentatively approved before any such improvements and installations may be undertaken. Such ordinance may provide that in lieu of the completion of such improvements and installations prior to the final approval of a plat, the legislative body may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the legislative body and expressed in the bond; and the municipality is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. Such ordinance may provide that for subdivisions within the corporate

limits the legislative body may in lieu of requiring a bond or the completion of such improvements and installations prior to the final approval of a plat, provide for an assessment under Article 9 of Chapter 160 or other statutory authorization whereby the municipality may make said improvements and installations at the cost of the owners of the property within the subdivisions.

Sec. 5. Effect of plat approval on status of dedications. The approval of a plat by the legislative body shall not be deemed to constitute or effect the acceptance by the municipality or public of the dedication of any street or other ground, public utility line, or other public facility shown upon the plat.

Sec. 6. Penalties for transferring lots in unapproved subdivisions. If the legislative body of said municipality adopts an ordinance regulating the subdivision of land as authorized herein, any person who, being the owner or agent of the owner of any land located within the platting jurisdiction granted to the municipality by Section 1 of this Act, thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by said legislative body and recorded in the office of the Orange County Register of Deeds, shall upon conviction be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality, through its city attorney or other official designated by its local legislative body, may enjoin such transfer or sale by action for injunction.

Sec. 7. Definitions. For the purpose of this Act, the following definition shall apply:

SUBDIVISION. A "Subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future of sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Act; (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations; (2) the division of land into parcels greater than five acres where no street right-of-way dedication is involved; (3) the public acquisition by purchase of strips of land for the widening or opening of streets; (4) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations.

Sec. 8. Powers granted herein supplementary. The powers granted to the Town of Chapel Hill by this Act shall be deemed supplementary to any powers heretofore or hereafter granted by its charter or by local

statute for the same or a similar purpose, and in any case where the provisions of this Act conflict with or are different from such provisions of such charter or local statute, the legislative body of the municipality may in its discretion proceed in accordance with the provisions of such charter or local statute, or, as an alternative method, in accordance with the provisions of this Act.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 1150 CHAPTER 940

AN ACT AUTHORIZING THE CITY OF BELMONT TO SELL CERTAIN LAND HERETOFORE DEDICATED TO IT FOR STREET PURPOSES WHICH ARE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE.

The General Assembly of North Carolina do enact:

Section 1. The Mayor and Board of Commissioners of the City of Belmont be and they hereby are authorized and fully empowered in their discretion, to sell at public auction, after due advertisement, to the highest bidder for cash, the following described real estate which was dedicated to the City of Belmont for street purposes and which is no longer needed for said purpose or for any municipal purpose:

"Beginning at the southwestern intersection, corner of Catawba Avenue and Eighth Street; and running thence with the western edge of Eighth Street, South 31 degrees 39 minutes West, 44.7 feet to a point, said point being the P. C.; thence with an arc of a circular curve, to the left and on a radius of 255.6 feet, a distance of 87.1 feet to the P. T. of said curve; thence continuing with the western edge of Eighth Street, South 12 degrees West, 258.2 feet to the P. C. of another curve; thence with the arc of a circular curve, to the right on a radius of 8 feet, a distance of 13.7 feet to the P. T. of said curve; thence continuing with the western edge of Eighth Street, North 79 degrees 4 minutes West, 51 feet to a stake; thence continuing with the western edge of Eighth Street, South 12 degrees 10 minutes West, 51 feet to the back of the curb on Brook Street; thence with said northerly edge of Brook Street, South 76 degrees 30 minutes East, 36 feet to the edge of Eighth Street; thence with the eastern edge of Eighth Street, North 12 degrees 10 minutes East, 32 feet to a stake; thence continuing with Eighth Street, South 79 degrees 4 minutes East, 14 feet to the P. C. of a curve; thence with arc of a circular curve, to the left, having a radius of 26 feet, a distance of 40 feet to the P. T. of said curve; thence continuing with eastern edge of Eighth Street, North 12 degrees East, 258.2 feet to the P. C. of another curve; thence with the arc of a circular curve to the right, having a radius of 237.6 feet, a distance of 81.2 feet to the P. T.

of said curve; thence continuing with the eastern edge of Eighth Street, North 31 degrees 39 minutes East, 41.9 feet to the back of the sidewalk and the southern edge of Catawba Avenue; thence with the southern edge of Catawba Avenue, North 49 degrees West, 18.25 feet to the beginning."

Sec. 2. The Mayor of the City of Belmont be and he is hereby empowered and fully authorized to make and execute a deed conveying the title now vested in the City of Belmont to the purchaser when so ordered by a majority of the Board of Commissioners of the City of Belmont.

Sec. 3. The proceeds arising from the sale of said property be paid to the Treasurer of said City of Belmont to be expended by him for such purposes and in such manner as the board of commissioners of said city may direct.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 1171 CHAPTER 941

AN ACT TO REPEAL SECTION 2 OF CHAPTER 346 OF THE SESSION LAWS OF 1949 AND TO AMEND SECTION 7 OF CHAPTER 538 OF THE PUBLIC-LOCAL LAWS OF 1939 TO THE DURHAM POLICE OFFICERS ACT.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 346 of the Session Laws of 1949 be and the same is hereby repealed.

Sec. 2. That paragraph one of Section 7 of Chapter 538 of the Public-Local Laws of 1939 be repealed and that the following be substituted in lieu thereof:

"That all members of the Durham Peace Officers Protective Association who have complied with the provisions of this Act and with the rules and regulations of the Association and Executive Board, and who have had 20 years continuous service as such peace officers, and who have attained the age of 55 years, shall be eligible for retirement benefits under the provisions of this Act and upon being retired shall be paid a benefit not to exceed fifty dollars ($50.00) per month from said fund; provided, however, that all retired peace officers entitled to draw retirement benefits from said fund shall receive the same amount."

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its date of ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 1176 CHAPTER 942

AN ACT TO AUTHORIZE THE EMPLOYMENT OF A PLUMBING INSPECTOR IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Amend Section two of Chapter 984 of the Session Laws of 1953, after the word "Guilford" and before the word "and" by adding the following: "Rowan".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

H. B. 1178 CHAPTER 943

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE TOWN OF ROBBINSVILLE TO REVISE AND CODIFY THE ORDINANCES OF SAID TOWN AND TO EMPLOY ASSISTANCE FOR THIS PURPOSE IF NECESSARY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen, or governing authority, of the Town of Robbinsville is hereby authorized, empowered and directed to revise and recodify the ordinances of the said town and to cause the same to be transcribed and written into a separate ordinance book for said purpose and to be properly indexed to the end that said ordinances shall be readily available to the electors and other persons of said town and to the end that the general public of said town shall know what ordinances are obsolete and have been discarded and the ordinances that are now in full force and effect. The governing authority of said Town of Robbinsville is also authorized and empowered to employ an attorney or any other person that may be needed to bring about an effective recodification of the said ordinances and to pay reasonable compensation for said services.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1955.

S. B. 419 **CHAPTER 944**

AN ACT AMENDING G. S. 153-9(43) RELATING TO THE LEVY OF A SPECIAL TAX TO PAY THE SALARIES AND EXPENSES OF THE COUNTY ACCOUNTANT, THE FARM AND HOME DEMONSTRATION AGENTS AND THE VETERANS' SERVICE OFFICER SO AS TO MAKE THE SAME APPLICABLE TO MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-9(43), as the same appears in the 1953 Supplement to Volume 3C of the General Statutes, be and the same is hereby amended by inserting the word "Madison" between the words "Lenoir" and "McDowell" in the last line thereof.

Sec. 2. All laws and clauses of laws, including Chapter 851, Session Laws of 1947, in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

S. B. 439 **CHAPTER 945**

AN ACT RELATING TO THE DISPOSITION OF CONFISCATED PISTOLS OR GUNS IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1½ of Chapter 864 of the Session Laws of 1953 is amended by striking out in line two, of said Section, the word "Edgecombe".

Sec. 2. G. S. 14-269 is amended by adding at the end thereof the following:

"In Edgecombe County, in any court of competent jurisdiction, where a pistol or gun has been confiscated, and it is found by the court that the pistol or gun is of value and usable, the judge presiding over said court may, if the arrest of the defendant was made by a municipal police officer, order the same delivered to the chief of police of the municipality in which the arrest occurred to be destroyed or used for law enforcement purposes. If the arrest was made by a constable, the sheriff or his deputies, a member of the State Highway Patrol, or peace officers other than municipal police officers and law enforcement officers of the Edgecombe County Alcoholic Beverage Control Board, such gun or pistol shall be delivered to the Sheriff of Edgecombe County for the purpose of being destroyed or used by the sheriff or his deputies in carrying out their law enforcement duties. If the arrest is made by a law enforcement officer of the Edgecombe County Alcoholic Beverage Control Board, such gun or pistol shall be delivered to said board to be destroyed or used for law enforcement purposes."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

S. B. 472 CHAPTER 946

AN ACT TO ESTABLISH A SUPPLEMENTARY PENSION FUND FOR POLICEMEN IN THE CITY OF GASTONIA, N. C.

The General Assembly of North Carolina do enact:

Section 1. The City Council of Gastonia may adopt a resolution establishing a Supplementary Pension Fund for the Police Department of the City of Gastonia, N. C., said fund to be known as the "Gastonia Policeman's Supplementary Pension Fund", hereinafter referred to as "Supplementary Pension Fund", and said fund to be administered by a board of trustees composed of the Chief of the Police Department of the City of Gastonia, N. C., the Assistant Chief of the Police Department of the City of Gastonia, and the Accountant of the City of Gastonia.

Sec. 2. Any person who is a full-time paid member of the Gastonia Police Department, as shown by the records of the City of Gastonia at the time of the ratification of this Act, or any person who shall become such a full-time paid member, shall be eligible for the benefits from the "Supplementary Pension Fund"; provided that no such person shall be eligible for benefits from the "Supplementary Pension Fund" unless or until such person has been retired as a member of the Gastonia Police Department as herein provided; provided further that no member of the Gastonia Police Department shall be eligible for benefits from the "Supplementary Pension Fund" for a period of five years from the date of the ratification of this Act, and provided further that no member of the Gastonia Police Department shall be eligible for benefits from the "Supplementary Pension Fund" unless he has been a member of the Gastonia Police Department for a period of twenty years and shall have become fifty-five years of age, or if a member has served for fifteen years or more, and becomes disabled he may be retired within a period of not less than thirty days nor more than ninety days following a medical examination of such member by a physician or physicians appointed by the City Council of Gastonia and upon the certification of such physician or physicians that the member is mentally or physically permanently incapacitated for the further performance of duty. It is further provided that this Act does not modify or alter in any way the Workmen's Compensation Laws of the State of North Carolina.

Sec. 3. Any full-time paid member of said Police Department who retires or is retired under the provisions of this Act shall receive monthly for the remainder of his life from the "Supplementary Pension Fund" an amount equal to two per cent (2%) for each five years of service, not to

exceed fourteen per cent (14%) of his average monthly salary for the three highest salaried years while employed by the Gastonia Police Department.

Sec. 4. The Accountant of the City of Gastonia, as a member of the board of trustees of the "Supplementary Pension Fund", shall be treasurer and custodian of the said fund and shall pay the beneficiaries thereof on the first day of each and every month any monies in his possession that such beneficiaries may be entitled to under the provisions of this Act.

Sec. 5. The Accountant of the City of Gastonia, as custodian of the "Supplementary Pension Fund", may be required by the City Council of Gastonia to give a bond for the faithful performance of his duties and the premiums on said bond shall be paid out of the "Supplementary Pension Fund".

Sec. 6. The said custodian of said "Supplementary Pension Fund" is authorized and directed to invest all monies coming into his possession belonging to said "Supplementary Pension" except so much as the board of trustees shall from time to time determine is reasonably necessary for the prompt payment of claims and expenses, in such securities as the board of trustees shall select; provided, however, that such securities shall be limited to, and upon, the same conditions as those enumerated by the General Statutes of North Carolina, as amended, as to the investment of trust funds, and/or the funds of guardians.

Sec. 7. The board of trustees as herein provided for may, in its discretion, take and receive any gift, grant, bequest, or devise, or any real or personal property or other thing of value for, and as, the property of the said "Supplementary Pension Fund", and hold and disburse and invest the same for the use of said fund in accordance with the purpose of this Act and the conditions attached to any such gift, grant, bequest, or devise.

Sec. 8. In addition to the costs now taxed against a defendant pleading guilty or convicted of an offense in the Municipal Court of the City of Gastonia, it shall be lawful to tax as a part of the costs in any of the foregoing cases an amount not to exceed one dollar ($1.00) for the "Supplementary Pension Fund" for the Police Department of the City of Gastonia. All amounts so collected shall be paid to the custodian of this fund.

Sec. 9. At any time after the establishment of a "Supplementary Pension Fund", the City Council of Gastonia may adopt a resolution abolishing the "Supplementary Pension Fund" for policemen in the City of Gastonia. In such event, the funds then held in the "Supplementary Pension Fund" shall be transferred to the general fund of the City of Gastonia, and the City of Gastonia then shall not be liable to any person who by reason of this Act has become, or may become, entitled to benefits hereunder.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

S. B. 484 CHAPTER 947

AN ACT TO PROVIDE THAT G. S. 14-346.1 REGULATING THE SALE OF BAY RUM SHALL APPLY TO WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 14-346.1 of the General Statutes is hereby amended by deleting from the last line of the Section the word "Wayne".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

S. B. 497 CHAPTER 948

AN ACT AMENDING CHAPTER 521, SESSION LAWS OF 1951, RELATIVE TO CLERICAL ASSISTANCE FOR THE CLERK OF THE SUPERIOR COURT OF DAVIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 521, Session Laws of 1951, which rewrites Section 1 of Chapter 841, Session Laws of 1949, be and the same is hereby amended by adding at the end thereof the following:

"In addition to the compensation fixed by this Section, the Clerk of the Superior Court is hereby allowed the amount of fifty dollars ($50.00) for extra clerical assistance for each week of each term, regular or special, of the Superior Court of Davie County."

Sec. 1½. That the payment of the same shall be in the discretion of the Board of County Commissioners of Davie County.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

S. B. 523 **CHAPTER 949**

AN ACT TO AUTHORIZE THE COMMISSIONERS OF DURHAM COUNTY TO ELECT A SUBSTITUTE RECORDER AND AN ASSISTANT PROSECUTING ATTORNEY OF THE RECORDER'S COURT OF DURHAM COUNTY AND TO AMEND CHAPTER FIFTY-NINE OF THE SESSION LAWS OF ONE THOUSAND NINE HUNDRED NINE, ENTITLED "AN ACT TO ESTABLISH A SPECIAL CRIMINAL COURT IN THE CITY OF DURHAM AND IN DURHAM TOWNSHIP AND TO PRESCRIBE THE JURISDICTION THEREOF."

The General Assembly of North Carolina do enact:

Section 1. That a Board of Commissioners of Durham County shall on the first Monday of January, 1956 at ten o'clock a. m. and every two years thereafter elect a Substitute Recorder and an Assistant Prosecuting Attorney of the Recorder's Court of Durham County.

Sec. 2. That Section eight of Chapter fifty-nine of the Session Laws of 1909 be repealed and the following substituted in lieu thereof:

"Sec. 8. The cost of serving warrants, subpoenas and other process issued by said Recorder's Court shall be the same as now fixed by law. The fees for issuing warrants, subpoenas for witnesses and for making up bills of costs and for any other process or writ issued by said court for services performed by said clerk for which a fee is now prescribed by law shall be the same as now fixed by law; and every defendant convicted and adjudged guilty or who pleads guilty in said court shall be taxed with the costs of the prosecution as now prescribed by law, and all such costs recovered and collected in said court shall be paid on Monday of each week by the clerk of said court to the Treasurer of Durham County, who shall keep a separate account thereof and who shall report to the Board of Commissioners of the County of Durham on the first day of each month the amount paid him by said clerk. And said clerk shall file with the Board of Commissioners of the County of Durham on the first day of each month an itemized statement of all costs collected by him and paid to the Treasurer of Durham County for the month preceding. Out of the fees so paid to the treasurer of the county by the clerk of said court there shall be paid monthly, if same be sufficient, a salary of the said recorder, the compensation of the prosecuting attorney, the substitute recorder and the assistant prosecuting attorney, the clerk of the court and his assistants, expenses of stationery, books, files, dockets and other such expenses of said court. If the fees so collected and paid to the Treasurer of the County of Durham shall be insufficient to pay said salary of the recorder, the substitute recorder, the assistant prosecuting attorney, the clerk and his assistants and the expenses of said court, the difference shall be paid by the Board of Commissioners of the County of Durham. If the fees at the end of each year shall be in excess of the salaries of the recorder, the substitute recorder, prosecuting attorney, the assistant prosecuting attorney, the clerk of said court and his assistants and the expenses for stationery and other expenses incurred in the opera-

tion of said court, the same shall be deposited by said Treasurer of Durham County to the general county fund of the County of Durham. The clear proceeds of all fines collected by the clerk of said recorder's court shall be paid to the Treasurer of the County of Durham and shall be held by said treasurer for the purposes now provided by law."

Sec. 3. That all laws and clauses of laws in conflict with this law are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

S. B. 538 CHAPTER 950

AN ACT TO PROVIDE OFFICIAL COURT REPORTER FOR EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-89 is amended by adding at the end thereof the following:

"Official court reporter for Edgecombe County.—The Resident Judge of the Seventh Judicial District is hereby authorized and empowered to appoint an official court reporter for Edgecombe County, in said district, who shall serve at the will of the Resident Judge, and whose appointment may be terminated by thirty days' written notice thereof.

The appointment of such reporter shall be filed in the office of the Clerk of the Superior Court of Edgecombe County, and the same, or a certified copy thereof, shall be recorded by said clerk on the minute docket of his court.

Before entering upon the discharge of the duties of said office, said reporter shall take and subscribe an oath in words substantially as follows: "I, ... do solemnly swear that I will, to the best of my ability, discharge the duties of the office of court reporter in and for the County of Edgecombe in the Seventh Judicial District, and will faithfully transcribe the testimony offered in said courts as the presiding Judge may direct, or as I may be required to do under the law, so help me, God." Such oath shall be filed in the office of the Clerk of the Superior Court of Edgecombe County and recorded and indexed on the minute docket of said court.

If on account of sickness, or for other cause, said reporter is unable to attend upon any of the regular courts of said county, and for conflict and special terms, the Resident Judge may appoint a reporter pro tem. for said court or courts and said appointment shall appear upon the minutes of said term, and said reporter shall take and subscribe the oath referred to above, which oath shall be filed with the clerk. In lieu of appointing a reporter pro tem. for each of said courts, the Resident Judge may, in his discretion, appoint a reporter pro tem. for a stated period

whose duty it shall be to report any and all courts in the county which the regular court reporter is for any cause unable to report.

The Resident Judge shall likewise fix the compensation to be received by such reporter and such reporter pro tem.: Provided, however, such compensation shall not exceed one hundred dollars ($100.00) per week and actual expenses.

The testimony taken and transcribed by said court reporter or said court reporter pro tem., as the case may be, and duly certified, either by said reporter or the presiding Judge at the trial of the cause, may be offered in evidence in any of the courts of this State as the deposition of the witness whose testimony is so taken and transcribed, in the same manner, and under the same rule governing the introduction of depositions in civil actions."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 344 CHAPTER 951

AN ACT TO AMEND, CLARIFY AND FACILITATE THE ADMINISTRATION OF THE LAWS GOVERNING VITAL STATISTICS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of G. S. 48-29, as the same appears in the 1953 Cumulative Supplement of Volume 2A of the General Statutes, is hereby amended by rewriting the subsection so that the same shall hereafter read as follows:

"§ 48-29. Change of Name; Report to State Registrar; New Birth Certificate to be Made.—(a) For proper cause shown the court may decree that the name of the child shall be changed to such name as may be prayed in the petition. When the name of any child is so changed, the court shall forthwith report such change to the Office of Vital Statistics of the State Board of Health. Upon receipt of the report, the State Registrar of the Office of Vital Statistics shall prepare a new birth certificate for the child named in the report which shall contain the following information: Full adoptive name of child, sex, date of birth, race of adoptive parents, full name of adoptive father, full maiden name of adoptive mother, and such other pertinent information not inconsistent herewith as may be determined by the State Registrar. The city and county of residence of the adoptive parents at the time of the petition is filed shall be shown as the place of birth, and the names of the attending physician and the local registrar shall be omitted: Provided, that when the adoptive parents reside in another state at the time the petition is filed the city and county of birth of the child shall be the same on the new birth certificate as on the original certificate. No reference shall be made on the new

certificate to the adoption of the child, nor shall the adopting parents be referred to as foster parents."

Sec. 2. § 49-13 of Volume 2A of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"§ 49-13. New Birth Certificate on Legitimation.—A certified copy of the order of legitimation when issued under the provisions of G. S. 49-10 shall be sent by the Clerk of the Superior Court under his official seal to the State Registrar of Vital Statistics who shall then make the new birth certificate bearing the full name of the father, and change the surname of the child so that it will be the same as the surname of the father.

"When a child is legitimated under the provisions of G. S. 49-12, the State Registrar of Vital Statistics shall make a new birth certificate bearing the full name of the father upon presentation of a certified copy of the certificate of marriage of the father and mother and change the surname of the child so that it will be the same as the surname of the father."

Sec. 3. § 101-2, as the same appears in the 1953 Cumulative Supplement of Volume 2C of the General Statutes, is hereby amended by adding another proviso at the end of said Section, which said proviso shall read as follows:

"Provided, further, that a change of parentage or the addition of information relating to parentage on the birth certificate of any person shall be made pursuant to G. S. 130-94."

Sec. 4. Amend § 101-5 of Volume 2C of the General Statutes by adding at the end of said Section the following:

"He shall forward a copy of the change of name order to the State Registrar of Vital Statistics. Upon receipt of the order, the State Registrar shall note the change of name of the individual or individuals specified in the order on the birth certificate of that individual or those individuals and shall notify the register of deeds in the county of birth."

Sec. 5. § 130-71 of Volume 3B of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"§ 130-71. Registration Districts.—For the purposes of this Article, the State shall be divided into registration districts as follows: Each city, each incorporated town with a population of twenty-five hundred (2500) or over according to the latest decennial census, each township, each county, and any area served by a district health department or any combination of the above governmental units, as directed by the State Registrar, shall constitute a local registration district."

Sec. 6. § 130-73. Appointment of Local Registrar.—Whenever the State Board of Health fails to exercise the authority granted to it under the provisions of G. S. 130-74 to designate and appoint the health officer of a county as registrar for that county, or fractional part or parts thereof, the chairman of every board of county commissioners shall appoint a local registrar of vital statistics for each incorporated city or town of twenty-five hundred (2500) population and over and for each township or any combination thereof in his county and shall notify the State Registrar in writing of the name and address of each local registrar

so appointed. The term of office of each local registrar so appointed shall be four years, beginning with the first day of January of the year for which the local registrar is appointed, and until his successor has been appointed and has qualified, unless such office shall sooner become vacant by death, disqualification, operation of law, or other cause. Any vacancy occurring in the office of local registrar of vital statistics shall be filled for the unexpired term by the chairman of the board of county commissioners, except where the local health officer is appointed under the provisions of G. S. 130-74. On the making of such appointment, the chairman of the board of county commissioners shall notify the State Registrar, in writing, of the name and address of the local registrar so appointed. At least ten days before the expiration of the term of office of any local registrar appointed under the provisions of this Section, a successor shall be appointed by the chairman of the board of county commissioners. Except for local health officers serving as local registrar, each local registrar shall be a bona fide resident of the local registration district for which he is appointed; and removal from the district shall terminate the office."

Sec. 7. § 130-74 of Volume 3B of the General Statutes is hereby amended by striking out the first sentence in the said Section and by inserting in lieu of the said first sentence the following:

"§ 130-74. County Health Officer May Act as Registrar. — The State Board of Health shall have authority and power to designate and appoint the health officer of the county as registrar for that county, or fractional part or parts thereof, which such action shall be deemed wise."

Sec. 8. § 130-76 of Volume 3B of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"§ 130-76. Appointment of Deputy and Sub-Registrars.—Each local registrar shall, immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of absence, illness, or disability, and such deputy shall in writing accept such appointment, and be subject to all rules and regulations governing local registrars. And when it may appear necessary, the local registrar is hereby authorized, with the approval of the State Registrar, to appoint one or more suitable persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial-transit permits in and for such portions of the district as may be designated; and each sub-registrar shall enter the date the certificate was received by him and shall forward all certificates to the local registrar of the district within ten days, and in all cases before the third day of the following month: Provided, that each sub-registrar shall be subject to the supervision and control of the State Registrar, and may be by him removed for neglect or failure to perform his duties in accordance with the provisions of this Article or the rules and regulations of the State Registrar, and he shall be subject to the same penalties for neglect of duties as the local registrar."

Sec. 9. § 130-77 of Volume 3B of the General Statutes is hereby amended by striking out the words "burial or removal permits", where-

ever the same appears in said Section, and by inserting in lieu thereof the words "burial-transit permits".

Sec. 10. § 130-78 of Volume 3B of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"§ 130-78. Fetal Deaths to be Registered.—A stillborn child shall be registered as a fetal death on a fetal death (stillbirth) certificate when the child has advanced to at least the twentieth (20th) week of uterogestation. The fetal death certificate shall contain such information as may be prescribed by the State Registrar. A burial-transit permit shall be required before any disposition is made of the body. The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of fetal death. When a fetal death is attended by a midwife, the midwife shall sign as the attendant, but shall not sign the medical certificate of fetal death; but such cases, and fetal deaths occurring without attendance of either physician or midwife shall be treated as deaths without medical attendance as provided for in G. S. 130-80."

Sec. 11. Amend § 130-79 of Volume 3B of the General Statutes by striking out the words "burial or removal permit", wherever the same appear in said Section, and by inserting in lieu thereof the words "burial-transit permit".

Sec. 12. Amend § 130-81 of Volume 3B of the General Statutes by striking out the words "burial or removal permit", wherever the same appear in said Section, and by inserting in lieu thereof the words "burial-transit permit".

Sec. 13. Amend § 130-83 of Volume 3B of the General Statutes by striking out the words "burial or removal permit", wherever the same appear in said Section, and by inserting in lieu thereof the words "burial-transit permit".

Sec. 14. Amend § 130-84 of Volume 3B of the General Statutes by striking out the words "burial or removal permit", wherever the same appear in said Section, and by inserting in lieu thereof the words "burial-transit permit".

Sec. 15. § 130-89 of Volume 3B of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"§ 130-89. Contents of Birth Certificate.—The certificate of birth shall contain, as a minimum, those items prescribed and specified on the standard certificate of birth as prepared by the national agency in charge of vital statistics and as the same may be amended or changed by the North Carolina State Registrar of Vital Statistics: Provided, that in case of a child born out of wedlock, the father's name shall not be shown on the certificate without his written consent under oath, and, provided further, that in case of a child born out of wedlock, the last name of the child shall be the same as that of the mother, or, if requested in writing and under oath, the name of the child shall be the same as the person or persons caring for the child when such request is made by both the mother of the child and the person or persons caring for the child, or, if the mother of the child is deceased, or her whereabouts shall

have been unknown for a period of three years, then the person or persons caring for such child may make such a request for such change. Where it has been adjudicated in a court of competent jurisdiction that a mother has abandoned her child, then the consent required by this Section shall not be necessary."

Sec. 16. § 130-93.1 of Volume 3B of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"§ 130-93.1. Certificate of identification for Child of Foreign Birth.—In the case of an adopted child born in a foreign country and having legal settlement in this State, the information pertaining to births as provided for in G. S. 130-102 may be filed for such children with the State Registrar, provided, that the country of birth shall be specified in lieu of the state of birth on the new certificate and on all certified copies thereof."

Sec. 17. § 130-94 of Volume 3B of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"§ 130-94. State Registrar to Supply Blanks; to Perfect and Preserve Birth and Death Certificates.—The State Registrar shall prepare, have printed, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this Article; and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other blanks shall be used than those supplied by the State Registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, or undertakers, and all other persons having knowledge of the facts are hereby required to supply, upon a form provided by the State Registrar or upon the original certificate, such information as they may possess regarding any birth or death upon demand of the State Registrar, in person, by mail, or through the local registrar. No certificate of birth or death, after its acceptance for registration by the State Registrar, and no other record made in pursuance of this Article, shall be altered or changed in any respect otherwise than by amendments properly dated, signed, and witnessed: Provided, that the State Registrar may promulgate rules and regulations governing the type and amount of proof of the correctness of the change or amendment which must accompany the request for a change or amendment in the certificate of birth or death, or other record made in pursuance of this Article: Provided, further, that a new certificate of birth shall be made by the State Registrar whenever:

"(a) Proof is submitted to the State Registrar that the previously unwed parents of a person have intermarried subsequent to the birth of such person;

"(b) When notification is received by the State Registrar from the clerk of a court of competent jurisdiction of a judgment, order, or

decree disclosing different or additional information relating to the parentage of a person;

"(c) Satisfactory proof is submitted to the State Registrar that there has been entered in a court of competent jurisdiction a judgment, order, or decree disclosing different or additional information relating to the parentage of a person.

"When a new certificate of birth is made the State Registrar shall substitute such new certificate for the certificate of birth then on file, if any, and shall forward a copy of the new certificate to the register of deeds of the county of birth, and the copy of the certificate of birth on file with the register of deeds, if any, shall be replaced with the new copy. The State Registrar shall place the original certificate of birth and all papers pertaining to the new certificate of birth under seal. Such seal shall not be broken except by an order of a court of competent jurisdiction. Thereafter, when a certified copy of the certificate of birth of such person is issued, it shall be a copy of the new certificate of birth, except when an order of a court of competent jurisdiction shall require the issuance of a copy of the original certificate of birth.

"The State Registrar shall further arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous index of all births and deaths registered. No persons other than those authorized by the State Registrar shall have access to any original birth and death records."

Sec. 18. Amend § 130-95 of Volume 3B of the General Statutes by striking out the word "He", as the same appears in the first line of said Section, and by inserting in lieu thereof the following words: "the State Registrar".

Sec. 19. § 130-98 of Volume 3B of the General Statutes is hereby amended by adding a new paragraph at the end of same, which said new paragraph shall read as follows:

"Upon receipt of said notification the State Registrar shall record the information upon the birth certificate of the illegitimate child: Provided, however, that unless the judgment, order, or decree discloses that the child has been legitimated under the provisions of G. S. 49-10 or G. S. 49-12, the surname of said illegitimate child shall remain the same as the surname of its mother.

Sec. 20. Amend § 130-99 of Volume 3B of the General Statutes by striking out, wherever the same appear in said Section, the words "burial or removal permit", and by inserting in lieu thereof the words "burial-transit permit".

Further amend said Section by striking out the word "shall", as the same appears in the nineteenth line of said Section, and by inserting in lieu thereof the word "may".

Sec. 21. § 130-99.1 of Volume 3B of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"§ 130-99.1. State Registrar to Forward Copies of Certificates of Nonresidents.—Upon receipt of the original certificates of birth, death, and fetal death from the local registrars of vital statistics, the State

Registrar shall prepare a copy of each certificate except in the case of a child born out of wedlock that was filed in a county other than the county of residence. Such copies shall be forwarded within ninety days, through the local health department, to the register of deeds of the county of residence."

Sec. 22. Amend § 130-100 of Volume 3B of the General Statutes by rewriting the first paragraph of said Section so that said first paragraph shall hereafter read as follows:

"§ 130-100. Delivery of Data to Health Officer.—Each local registrar, other than a local health officer who is serving as local registrar, shall, on or before the fifth day of each month, deliver by mail or in person to the health officer of his respective county or municipality such data from birth and death certificates filed with such local registrar during the preceding calendar month as may be needed in the proper execution of the duties of the said health officer, and as authorized by the State Registrar of Vital Statistics."

Sec. 23. Amend § 130-102 of Volume 3B of the General Statutes by rewriting the first paragraph of said Section so that the said first paragraph of said Section shall hereafter read as follows:

"§ 130-102. Certified or Photocopies of Records; Fee.—The State Registrar shall, upon request, supply to any authorized applicant a certified copy of the record of any birth or death registered under provisions of this Article, for the making and certification of which he shall be entitled to a fee of one dollar ($1.00), to be paid by applicant. Such certified copy of the birth record shall be issued in the form of a birth registration card which shall include only the full name, birth date, city and county of birth, race, sex, date of filing, and birth certificate number: Provided, that a full and complete copy of the birth certificate shall be supplied upon request to the registrant, if of legal age; or the parent or parents; or to public welfare or public health agencies; or to duly licensed private welfare agencies upon the approval of the State Registrar; or to any other person, for good cause, shown, upon the order of a Judge of the Superior Court. Such birth registration card, properly certified by the State Registrar or his duly authorized agent, shall be prima facie evidence of the facts stated therein. Any Federal agency or bureau approved by the State Registrar may, however, obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of fees herein prescribed, and for transcripts so furnished the State Registrar may receive from such agency or bureau such compensation for this service, as the State Board of Health may approve. Any copy of the record of a birth or death, properly certified by the State Registrar, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made, the State Registrar shall be entitled to a fee of one dollar ($1.00) for each hour or fractional part of an hour of time of search, said fee to be paid by the applicant. And the State Registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the

same over to the Treasurer of the State Board of Health. Provided, that upon the receipt of a certificate of birth as provided in G. S. 130-99, unless said child was born out of wedlock, the State Registrar shall within three months forward a photocopy thereof for the child to the address of the mother, if living; and if not, to the father or person standing in loco parentis to said child. No fee shall be collected for supplying this certificate."

Further amend said § 130-102 of Volume 3B of the General Statutes by striking out the words "photostatic copy", wherever the same appear in said Section, and by inserting in lieu thereof the word "photocopy".

Further amend said § 130-102 of Volume 3B of the General Statutes by striking out the words "in lieu of", as the same appear in the first line of the second paragraph of said Section, and by inserting in lieu thereof the words "when issuing".

Sec. 24. Amend § 130-103 of Volume 3B of the General Statutes by striking out the words "Bureau of Vital Statistics", wherever the same appear in same Section, and by inserting in lieu thereof the words "Office of Vital Statistics".

Further amend said Section by striking out the words "who served in the First or Second World War" in the ninth and tenth lines of said Section.

Sec. 25. Amend subsection (5) of § 130-104 of Volume 3B of the General Statutes by striking out the words "a mayor of a city or town", as the same appear in the second line of said subsection (5) of said Section.

Further amend said Section by striking out the words "burial or removal", wherever the same appear in subsection (1) of said Section, and by inserting in lieu thereof the words "burial-transit".

Sec. 26. Wherever the words "Bureau of Vital Statistics" further appear in any Section of Article 9 of Chapter 130 of the General Statutes, as amended, or wherever the words "Bureau of Vital Statistics" shall appear in any other Section of any other Article or Chapter of the General Statutes, the same are hereby stricken out, and the words "Office of Vital Statistics" are inserted in lieu thereof.

Sec. 27. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 28. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 986 CHAPTER 952

AN ACT REMOVING PITT FROM THE LIST OF COUNTIES TO WHICH THE PROVISIONS OF CHAPTER 93, PUBLIC LAWS OF 1935, ARE APPLICABLE, THUS MAKING ALL THE PROVISIONS OF G. S. 6-52, RELATING TO THE FEES OF WITNESSES, APPLICABLE TO PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 93, Public Laws of North Carolina, Session 1935, be and the same is hereby amended by deleting the word "Pitt" from the eighth line thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1099 CHAPTER 953

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF DURHAM COUNTY AND THE GOVERNING BODY OF THE CITY OF DURHAM, ACTING INDEPENDENTLY OF EACH OTHER, TO APPROPRIATE AND USE A PART OF MONIES RECEIVED FROM DURHAM COUNTY BOARD OF ALCOHOLIC CONTROL AND OTHER MONIES FROM SURPLUS FUNDS NOT DERIVED FROM TAXATION FOR CERTAIN PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Durham County and the governing body of the City of Durham be, and each independently of the other, is hereby authorized and empowered annually to set apart and appropriate from monies paid to Durham County and to City of Durham, respectively, by the Durham County Board of Alcoholic Control as profits from the operation of alcoholic beverage stores in Durham County, or from surplus funds of the County of Durham and of the City of Durham, respectively, not derived from taxation and not otherwise appropriated, such amounts as may be deemed requisite and proper by the said Board of County Commissioners of Durham County and by the governing body of the City of Durham, each acting independently of and not dependent upon the action or nonaction of the other, and to expend the same for the purpose of aiding, assisting and encouraging, by contract with independent contractors or otherwise, the location of manufacturing, industrial, and commercial plants, distribution centers or businesses in Durham County or in the City of Durham and for advertising the advantages and resources of said Durham County and the City of Durham and for such other purposes as will, in the discretion of the

Board of County Commissioners of Durham County, as to Durham County, and in the discretion of the governing body of the City of Durham, as to the City of Durham, increase the taxable value of property of said Durham County or the City of Durham and which will promote the general welfare of the said Durham County and of the City of Durham, as the case may be, all of which purposes are hereby declared to be lawful public purposes of the County of Durham and of the City of Durham.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1105 CHAPTER 954

AN ACT AUTHORIZING THE ESTABLISHMENT OF A CITY LIQUOR CONTROL STORE IN THE CITY OF HENDERSONVILLE UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Section 1. The City Board of Elections of the City of Hendersonville may on its own motion, and shall upon a petition to said city board of elections signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not a town liquor control store may be operated in the City of Hendersonville and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store to be set up and operated in said city, but if a majority of the votes cast in said election shall be against the operation of a town liquor control store, no such store shall be set up or operated in said city under the provisions of this Act.

Sec. 2. In calling for such special liquor election, the said board of elections shall give at least twenty days' public notice of the same prior to the epening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For City Liquor Control Store," "Against City Liquor Control Store." Those favoring setting up and operating liquor stores in the City of Hendersonville shall mark in the voting

square to the left of the words "For City Liquor Control Store" printed on the ballot, and those opposed to a city liquor control store shall mark in the voting square to the left of the words "Against City Liquor Control Store." Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for members of the General Assembly.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against City Liquor Control Stores", the city liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the city control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the city treasurer. Thereafter all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said City of Hendersonville in force and effect prior to the authorization to operate town liquor control stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For City Liquor Control Store." No election shall be called and held in the City of Hendersonville under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the City Board of Elections of the City of Hendersonville to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or City of Hendersonville general election or primary election, or within thirty (30) days of any such election.

Sec. 4. If the operation of a city liquor control store is authorized under the provisions of this Act, the City Board of Elections of the City of Hendersonville shall immediately create a city board of alcoholic control to be composed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The City of Hendersonville Board of Alcoholic Control." The chairman of said board shall be designated by the city board of elections and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the city board of elections.

Sec. 5. The said City of Hendersonville Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control

the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The said City of Hendersonville Board of Alcoholic Control and the operation of any town liquor store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article it shall include City of Hendersonville Board of Alcoholic Control.

Sec. 6. The net profits derived from the operation of a liquor control store in the City of Hendersonville, after deducting the necessary funds for law enforcement as provided in G. S. 18-46 (o), shall be divided as follows: Fifty per cent (50%) for municipality of Hendersonville. Twenty-five per cent (25%) to Governing Body of the County of Henderson. One per cent (1%) to the City Library. Twelve per cent (12%) to the City of Hendersonville Board of Education. Twelve per cent (12%) to Henderson County Board of Education. Such funds shall be subject to appropriation by the Governing Bodies of the City of Hendersonville and the County of Henderson for any lawful purpose.

Sec. 7. The Governing Body of the City of Hendersonville may in its discretion authorize the establishment and operation of additional stores within the municipality if, in its discretion, it finds the same desirable.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1107 CHAPTER 955

AN ACT TO AMEND CHAPTER LXXV, PUBLIC LAWS OF 1808, DESIGNATING SUCCESSOR TRUSTEES OF THE WASHINGTON ACADEMY AND AUTHORIZING SUCH TRUSTEES TO EXECUTE UNCONDITIONAL DEED FOR SCHOOL PROPERTY TO THE BOARD OF TRUSTEES OF THE WASHINGTON CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. L. H. Swindell, J. W. Oden and Harry S. Gurganus are hereby named and designated as trustees of the Washington Academy, a body politic and corporate created and established by Chapter LXXV of the Laws of North Carolina of 1808, all of the successor trustees named in accordance with said Act being now dead; and the said L. H. Swindell, J. W. Oden and Harry S. Gurganus are hereby continued as a body politic and corporate, to be known and designated by the name of Trustees of the Washington Academy, and by that name shall have perpetual succession.

The said Board of Trustees of Washington Academy are hereby authorized and empowered to convey to the Board of School Trustees of the Washington City Administrative Unit any real estate now owned by the said Board of Trustees of Washington Academy, and they are likewise authorized and empowered to quitclaim and release to the Board of School Trustees of the Washington City Administrative Unit any reversionary interest which they now have or may have at any time in the future in and to the tracts of land conveyed by the Trustees of Washington Academy to the Board of School Trustees of the Town of Washington by deed dated the 4th day of August, 1904, which is recorded in the Register's office of Beaufort County in Book 127 at page 581, and they are likewise fully authorized and empowered to withdraw and cancel any and all conditions contained in said deed as to the use of said property for school purposes for the white race or for the purpose of education of the white race, so that the said Board of School Trustees of the Washington City Administrative Unit may sell and convey an indefeasible and unconditional title in fee simple to the said property in the event the same is abandoned for use as school property. Provided, however, that in the event of such sale, the proceeds from the sale thereof shall be used for the purpose of purchasing another school site or for such other educational purpose as may be determined by the said Board of School Trustees of the Washington City Administrative Unit, and the said proceeds shall be used for no other purpose.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1108 CHAPTER 956

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF STANLY COUNTY TO ENTER INTO CONTRACTS WITH AND MAKE APPROPRIATIONS TO THE CITY OF ALBEMARLE IN SAID STANLY COUNTY FOR THE PURPOSE OF MAINTAINING FIRE DEPARTMENTS AND EQUIPMENT TO BE USED TO PROTECT RURAL AREAS IN STANLY COUNTY, TO EXPEND COUNTY FUNDS FOR SAID PURPOSE AND TO LEVY A SPECIAL TAX FOR SAID FIRE PROTECTION.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Stanly County is hereby authorized and empowered, in its discretion, to enter into a contract with the governing authority of the City of Albemarle in said Stanly County for the purpose of utilizing the fire fighting equipment and apparatus of the said City of Albemarle for fighting fires and giving fire protection to persons and property in the rural areas of said Stanly

County and in those areas and territories that lie outside of the corporate limits of municipal corporations in said Stanly County. The governing authority of the City of Albemarle is also hereby authorized and empowered, in its discretion, to enter into a contract or contracts with the Board of County Commissioners of Stanly County in order to effectuate and carry out the objective of rural fire protection, and the said Board of Commissioners of Stanly County is authorized to pay over to said governing authority of the City of Albemarle such sums as may be agreed upon in said contract to the end that the governing authority of the City of Albemarle shall use its fire fighting apparatus and equipment for said purpose and to the end that persons and property in the rural areas of Stanly County may have fire protection furnished by the said City of Albemarle.

Sec. 2. The Board of County Commissioners of Stanly County is hereby authorized to use any surplus funds that it may have on hand or may receive or accumulate as grants in aid to said governing authority of the City of Albemarle or as a consideration in said contract for the furnishing of said fire protection to rural areas anywhere in said Stanly County, and the said governing authority of the City of Albemarle may use said funds to purchase and maintain fire trucks and any and all other fire department equipment and apparatus necessary for such purpose. The fire department of the City of Albemarle in Stanly County is authorized and empowered to answer such fire calls to any place in the rural areas in Stanly County as may be agreed upon by the governing authority of said City in its contract with the board of county commissioners, and in answering such fire calls for the protection of rural areas the City of Albemarle and its employees of the fire department shall be deemed to be acting in a governmental capacity and shall have the same authority, rights, privileges and immunities which are afforded to such municipality, its fire department, the members of its fire companies and employees as if responding to fire calls in said City of Albemarle. In permitting its fire department or equipment to attend, or answer, a fire call beyond the municipal limits, under the terms of said contract with the Board of County Commissioners of Stanly County or otherwise, the City of Albemarle shall be deemed to be exercising governmental functions and shall hold and have the privileges and immunities attendant upon the exercise of such functions within its corporate limits.

Sec. 3. The Board of County Commissioners of Stanly County and the governing authority of the City of Albemarle in any contract executed pursuant to the provisions of this Act shall agree upon all the necessary terms, conditions, payment of compensation and any and all things necessary to the end that said fire protection shall be furnished to rural areas anywhere in said Stanly County. That any contract heretofore entered into prior to the passage of this Act between the Board of Commissioners of Stanly County and the governing authority of the City of Albemarle for the purpose of having the fire department of the City of Albemarle furnish fire protection to the rural areas of said Stanly County is hereby and all things confirmed and authorized and validated and any payments

of county funds or monies made to said City of Albemarle for such purpose under any contracts executed prior to the enactment of this Act are hereby authorized and confirmed and validated and are in all respects hereby declared legal and valid, both as to terms of contract, authority to enter into same and as to the expenditure of funds thereunder, whether the same be tax funds, surplus funds, nontax funds, or county funds of any other source or nature.

Sec. 3½. The Board of Commissioners of Stanly County are likewise authorized and empowered to make contracts of like nature with the governing authorities of any other municipalities or any other persons, firms, corporations or agencies operating fire fighting activities in Stanly County and the governing authorities of any such other municipalities are likewise authorized and empowered to make such contracts with the Board of County Commissioners of Stanly County. Said board of county commissioners is further authorized and empowered to purchase fire fighting apparatus and equipment and to enter into contracts with the governing authorities of any municipalities or any other persons, firms, corporations or agencies operating fire fighting activities for the operation of such apparatus and equipment in providing rural fire protection in Stanly County. All powers, rights, privileges and immunities applicable to the City of Albemarle in this Act shall likewise apply to any other municipalities, persons, firms, corporations and agencies entering into any contracts authorized herein.

Sec. 4. The Board of County Commissioners of Stanly County is hereby authorized and empowered to levy annually on all taxable property in the county a special tax not to exceed five cents (5c) on the one hundred dollars ($100.00) valuation of property, both real and personal, for the special purpose of paying the necessary cost and expenses of obtaining the fire fighting services of the City of Albemarle and the use of its fire department, apparatus and equipment for the purpose of protecting persons and property in fighting fires in rural areas anywhere in said Stanly County. The said tax shall be in addition to any and all other taxes levied in the said County of Stanly and shall be collected in the same manner as the general county taxes are levied and collected, and the proceeds of said tax shall be placed in a special account and paid out under the same rules, regulations and fiscal controls as other county funds are used and paid for county purposes. The said proceeds of said tax shall be used exclusively for financing the contract authorized by this Act or as grants in aid to the governing authority of the City of Albemarle for the use of its fire fighting equipment and apparatus in the protection of rural areas anywhere in said Stanly County. The Board of County Commissioners of Stanly County may use any surplus funds or any other county funds for said purpose in addition to the tax herein authorized and provided, and the said tax herein authorized is declared to be for a necessary expense and for a special purpose within the meaning of the Constitution of North Carolina and for which the special approval of the General Assembly is hereby given and shall be in addition to any constitutional provisions or limitations applicable to the levy and collection of county taxes.

Sec. 5. All laws and clauses of laws in conflict with the provisions of of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1110 CHAPTER 957

AN ACT TO AMEND G. S. 6-52 TO FIX THE MAXIMUM FEE TO BE ALLOWED EXPERT WITNESSES IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 6-52 be amended as follows: By striking out the period at the end of said Section, inserting in lieu thereof a colon, and the following words: "Provided, however, that experts, when compelled to attend and testify, shall be allowed such fees for attending and testifying as the court may allow, not to exceed twenty-five dollars ($25.00) per day."

Sec. 2. That this Act shall apply only to civil and criminal actions in which the county is liable for the costs.

Sec. 3. That this Act shall apply only to Bladen County.

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1113 CHAPTER 958

AN ACT TO REGULATE THE USE OF PARTY TELEPHONE LINES DURING CERTAIN EMERGENCIES.

The General Assembly of North Carolina do enact:

Section 1. Any person who shall wilfully refuse to immediately relinquish a party telephone line when informed that such line is needed for an emergency call to a fire department or police department, or for medical aid or ambulance service, or any person who shall secure the use of a party telephone line by falsely stating that such line is needed for an emergency call, shall be guilty of a misdemeanor, and, upon conviction shall be fined or imprisoned in the discretion of the court.

The term "Party Line" as used in this Act is defined as a subscriber's line telephone circuit, consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number. The term "emergency" as used in this Act is defined as a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1147 CHAPTER 959

AN ACT REPEALING CHAPTER 951, SESSION LAWS OF 1951, REQUIRING THE BOARD OF COUNTY COMMISSIONERS OF TYRRELL COUNTY TO PUBLISH ITS MINUTES IN SOME NEWSPAPER HAVING GENERAL CIRCULATION IN THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all of Chapter 951, Session Laws of 1951, be and the same is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1156 CHAPTER 960

AN ACT TO AMEND THE CHARTER OF THE CITY OF KINGS MOUNTAIN APPLYING ONLY TO THE SCHOOL BOARD.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 58 of the Public-Local Laws of 1939 is rewritten to read as follows:

"Sec. 4. The ward system so far as it affects the School Board of the City of Kings Mountain is hereby abolished, and beginning at the municipal election in 1957, and biennially thereafter, the Trustees of the Kings Mountain Graded School District shall be elected at large by the voters residing in said Graded School District; and that any citizen eligible to vote in said district shall have the right to be a candidate for trustee on said school board; that the term of said trustees shall remain six years and the board shall be composed of five members; and that the staggered system shall remain in force and effect as at the present time. In other words, at the municipal election of 1957, and biennially thereafter, only the member or members of the school board whose term expires at that time shall be filled. In the case of a vacancy occurring in the board of trustees the unexpired term shall be filled by the board; and the board of trustees so elected shall have the powers and be charged with the duties now provided for by the law relating to the Kings Mountain Graded School District."

Sec. 2. The Trustees for the Kings Mountain Graded School District

shall be elected at the same time the Mayor and Board of Commissioners are elected for the City of Kings Mountain and under the same rules, regulations, and laws now governing the election of city officials as provided by the city charter and under the General Statutes; that all voters shall register and vote in their respective wards at the polling places as provided by the City of Kings Mountain; and that all elections for school trustees shall be under the supervision of the City of Kings Mountain. In the event no candidate has the majority in said election the same rules, regulations, and laws as to the runoff shall apply to the school board trustees which is now applicable to the mayor and city board as provided by Chapter 836 of the Laws of 1951.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1164 CHAPTER 961

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF SAMPSON COUNTY TO APPOINT THE COUNTY FARM AGENT AND ASSISTANTS AND THE COUNTY HOME DEMONSTRATION AGENT AND ASSISTANTS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Sampson County is hereby authorized and empowered to appoint a county agent and such assistants as it deems necessary, and a county home demonstration agent and such assistants as it deems necessary, to serve from June 1, 1955 to December 1, 1955. Thereafter, the board of commissioners shall make the appointments provided for herein for one year terms or at the pleasure of the board.

Sec. 2. This Act shall only apply to Sampson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1166 CHAPTER 962

AN ACT TO AMEND CHAPTER 253 OF THE PUBLIC LAWS OF 1941, RELATING TO THE PRESERVATION AND CONSERVATION OF WILD PLANTS, FOR THE PURPOSE OF MAKING SAID ACT APPLICABLE TO WARREN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 3 of Chapter 253 of the Public Laws of 1941 by placing a period after the word "Swain", in the sixth line of said Section 3, and by striking out the words "and Warren", as the same appear in said sixth line of said Section.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1169 CHAPTER 963

AN ACT TO AMEND CHAPTER 874 OF THE SESSION LAWS OF 1947 RELATING TO THE DISTRIBUTION OF PROFITS FROM ABC STORES IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 874 of the Session Laws of 1947 is hereby amended by rewriting the same to read as follows:

"Section 1. That Section 4 of Chapter 539 of the Public-Local Laws of 1939 be, and the same is, hereby amended to read as follows:

'Sec. 4. That fifty per cent (50%) of the net profits of each individual store, after the payment of State tax of said alcoholic beverage control stores, shall be paid into the general fund of the particular town in which said store is located: Provided, that the full fifty per cent (50%) of such net profits payable to Morehead City shall be paid direct to the Morehead City Hospital for the operation, maintenance, upkeep, and necessary repairs to the Morehead City Hospital. The Carteret County Board of Alcoholic Beverage Control shall make full settlement with the county and the particular towns in which such stores are located at the end of each calendar month.' "

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1188 CHAPTER 964

AN ACT TO FIX THE TERM OF OFFICE OF THE TREASURER OF MARTIN COUNTY FOR A PERIOD OF FOUR YEARS.

The General Assembly of North Carolina do enact:

Section 1. That at the next regular primary for the nomination of State and county officers, including members of the General Assembly, held in the year 1956, there shall be nominated a Treasurer from Martin County, to be elected in the next general election for State and county officers in said year. That upon election the said treasurer shall be inducted into office at the same time and place and in the same manner as other county officers, and the said treasurer shall serve for a term of four years. It is the intent and purpose of this Act that the Treasurer of Martin County elected in the next general election in 1956 shall have a term of office for four years.

Sec. 2. That the said treasurer so nominated and elected shall perform all the duties of Treasurer of Martin County as provided by law and especially as provided by the general law of the State.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1195 CHAPTER 965

AN ACT TO AMEND CHAPTER 326 OF THE PUBLIC-LOCAL LAWS OF 1935, RELATING TO THE PUBLICATION OF MONTHLY STATEMENTS OF DISBURSEMENTS BY THE BOARD OF COUNTY COMMISSIONERS OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 4 of Chapter 326 of the Public-Local Laws in 1935 by changing the semicolon in line 2 of said Section 4 to a period and by striking out the balance of said Section.

Sec. 2. All laws and clauses of laws in conflict wth the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1208 CHAPTER 966

AN ACT TO AMEND CHAPTER 37, PRIVATE LAWS, 1923, AS AMENDED, THE SAME BEING THE CHARTER OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. Section 11 of Chapter 37, Private Laws, 1923 as amended, is amended by striking out the first two sentences of said Section 11 and substituting in lieu thereof the following:

"The mayor shall receive for his services the sum of two thousand four hundred dollars ($2,400.00) a year payable in monthly installments. Each member of the council, except the mayor, shall receive a salary of one thousand two hundred dollars ($1,200.00) a year payable in monthly installments."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the first day of June, 1955.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. B. 1232 CHAPTER 967

AN ACT TO AMEND SECTION 19 OF CHAPTER 1261 OF THE SESSION LAWS OF 1953 RELATING TO THE TOWN ATTORNEY FOR THE TOWN OF SELMA.

The General Assembly of North Carolina do enact:

Section 1. That Section 19 of Chapter 1261 of the Session Laws of 1953 be amended by striking therefrom the first sentence of said Section and by adding in lieu thereof the following:

"The attorney shall be an attorney at law who shall have been licensed by the Supreme Court of North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

S. B. 26 CHAPTER 968

AN ACT TO AMEND THE LAW RELATING TO THE CARE AND CUSTODY OF TUBERCULOUS PRISONERS.

The General Assembly of North Carolina do enact:

Section 1. § 131-88 of Volume 3B of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"§ 131-88. Nursing, guarding and disciplining of prisoners.—The

Prison Division of the State Highway and Public Works Commission for tuberculous prisoners of McCain, North Carolina, or any other place where a prison division for tuberculous prisoners may be established, shall have the same powers, duties, and responsibilities in the nursing, guarding and disciplining of tuberculous prisoners and convicts as it now has as to other prisoners and inmates under its supervision and control."

Sec. 2. § 131-89 of Volume 3B of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"§ 131-89. Feeding prison staff; medical and dietetic treatment and care of convicts.—The North Carolina Sanatorium for the treatment of tuberculosis shall provide food for the prison staff, on the same basis it provides food for its own employees, and have the same duties and responsibilities in providing medical and dietetic treatment and care of the inmates of said sanatorium for the treatment of tuberculous prisoners or convicts as it had prior to the passage of this Section.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

S. B. 163 CHAPTER 969

AN ACT TO AMEND ARTICLE 3 OF CHAPTER 108 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO ESTABLISH A STATE FUND FOR THE HOSPITALIZATION OF PUBLIC ASSISTANCE RECIPIENTS.

The General Assembly of North Carolina do enact:

Section 1. Article 3 of Chapter 108 of the General Statutes of North Carolina is hereby amended by adding immediately after Part 3 thereof a new Part which shall be designated as "Part 4" and which shall read as follows:

"Part 4. Hospitalization of Assistance Recipients

"108-73.20. Establishment of fund.—In order to achieve economy and efficiency in the hospitalization of assistance recipients the State Board of Public Welfare is authorized and empowered to establish a special fund for the hospitalization of recipients of old age assistance, aid to dependent children, and aid to the permanently and totally disabled, and to establish reasonable rules and regulations necessary to carry out the provisions of Part 4 of this Article. The fund shall be known as 'The State Fund for the Hospitalization of Assistance Recipients', hereinafter referred to as the fund. Disbursement from the fund shall be made only for the purpose of providing necessary hospital care for recipients, and their spouses when such spouses are included in the Assistance Budget Group, of old age assistance, aid to dependent children, and aid to the permanently and totally disabled. Any balance in the fund at the end of any fiscal year and

at the end of any biennium shall remain in the fund and shall not expire or revert.

"108-73.21. Determination of rate per recipient; payments into fund.—The fund shall consist of amounts paid monthly into the fund on behalf of each recipient of old age assistance, aid to dependent children, and aid to the permanently and totally disabled out of monies appropriated to the State Board of Public Welfare for this purpose; monthly payments for each county for such recipients through deductions made by the State Board of Public Welfare from State funds due the county for assistance purposes; and Federal matching funds paid to the State for each assistance category. The rate per recipient of monthly payments into the fund shall be fixed from time to time by the State Board, taking into consideration costs of hospitalization, the number of persons covered, the extent of hospitalization of such persons, and the availability of State funds. After the recipient rates have been determined, the portion of such rates to be paid from Federal matching funds shall be computed. Payment of the balance of such rates shall be borne equally by the State and the several counties.

"108-73.22. Extent of payment for hospitalization.—Persons eligible as hereinabove provided shall be entitled to have the costs of necessary hospitalization paid out of the fund, in such amounts, and to the extent and in the manner determined from time to time to be feasible pursuant to the rules and regulations established by the State Board. Such rules and regulations shall be established on the basis of money available for the purpose, the number of assistance recipients, the experience with respect to the incidence of illness, disease, accidents, and other reasons among such recipients, causing them to require hospitalization and the costs thereof, the amounts which recipients require otherwise in order to maintain a subsistence compatible with decency and health, and any other similar factors considered relevant by the State Board.

"108-73.23. Custody and receipt of funds.—The Treasurer of the State of North Carolina is hereby made ex officio treasurer of 'The State Fund for the Hospitalization of Assistance Recipients' herein established. The fund thus established is hereby made an irrevocable trust and all payments into the fund are irrevocable except upon repeal of this Article as provided in G. S. 108-76. The Treasurer shall keep the fund in a separate account and shall be responsible therefor on his official bond; and the said fund shall be protected by proper depository security as are other State funds. The said fund shall be drawn upon and disbursed as hereinafter provided.

"108-73.24. Disbursement.—Claims for the cost of hospitalization shall be submitted by the county superintendent of public welfare to the State Board of Public Welfare, in accordance with the rules and regulations of the State Board. Payments from the fund shall be made only to hospitals licensed by the North Carolina Medical Care Commission, on warrants drawn on 'The State Fund for the Hospitalization of Assistance Recipients' upon order of the State Board of Public Welfare evidenced by the signature of the Commissioner of Public Welfare.

"108-73.25. Acceptance of Federal Grants.—The provisions of the Federal Social Security Act, relating to grants-in-aid to the State for the hospitalization of public assistance recipients, and the benefits thereunder, are hereby accepted and adopted, and the provisions of this Article shall be liberally construed in relation to the said Social Security Act, so that the intent to comply therewith shall be made effectual."

Sec. 2. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

S. B. 473 CHAPTER 970

AN ACT TO REWRITE G. S. 33-9 RELATING TO THE POWER OF A CLERK OF SUPERIOR COURT TO REMOVE GUARDIANS AND FIDUCIARIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 33-9 is hereby rewritten to read as follows:

"G. S. 33-9. Removal by clerk. The Clerks of Superior Court have power and authority on information or complaint made to remove any fiduciaries appointed under the provisions of this Chapter, and to appoint successors, to make and establish rules for the better ordering, managing, and securing estates for which fiduciaries have been appointed, and for the better education and maintenance of wards and their dependents; and it is their duty to do so in the following cases:

(1) Where the fiduciary wastes or converts the money or the estate of the ward to his own use.

(2) Where the fiduciary in any manner mismanages the estate.

(3) Where the fiduciary neglects to educate or maintain the ward or his dependents in a manner suitable to their degree.

(4) Where the fiduciary would be legally disqualified to be appointed administrator.

(5) Where the fiduciary or his sureties are likely to become insolvent or are likely to become nonresidents of the State."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

S. B. 478 CHAPTER 971

AN ACT AMENDING CHAPTER 651 OF THE PUBLIC LAWS OF 1909, AS AMENDED, RELATING TO THE ESTABLISHING OF A MUNICIPAL-COUNTY COURT IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter 651 of the Public Laws of 1909, as amended by Section one of Chapter 300 of the Public Laws of

1939, be and the same is hereby amended by adding the word "seal" to the Section title, adding the words "non-jury" before the word trial, deleting the word "petty" and the word "Greensboro" and adding the words "and certain civil actions" after the word "misdemeanor", and then adding two new sentences relating to the seal of the court, so that said Section, as amended hereby, shall read as follows:

"Section 1. Name of Court. Seal. A special court for the non-jury trial of misdemeanors and certain civil actions, and to be designated as 'THE MUNICIPAL-COUNTY COURT', is hereby established. Said court shall have a seal which shall be circular in shape, with the words 'The Municipal-County Court—Greensboro—Guilford County, N. C.' around the border, and the word 'SEAL' in the center. Said seal shall be used in attestation or certification of process, writs, judgments, transcripts, or other documents or proceedings of said court, in the same manner and to the same effect as the seals of other courts in the State of North Carolina."

Sec. 2. That Chapter 651 of the Public Laws of 1909, as amended, be and the same is hereby amended by adding thereto three new Sections, to be numbered two to four, and to read as follows:

"Sec. 2. Organization of the Court. The court shall be a court of record and shall be presided over by judges who shall be licensed attorneys at law, all as hereinafter provided.

(a) Judges. Appointment and Term. Apportionment of Duties. Senior Judge. There shall be two full-time judges, a senior judge and a judge, each position to be a separate office, who shall be appointed by the Chief Justice of the Supreme Court of North Carolina and shall serve for terms of four years, or until their successors are appointed and qualified; provided that the presently incumbent judges shall hold these offices until their successors are so appointed; and provided that, until appointments are made, as herein provided, the incumbent judge of the criminal division shall be designated the senior judge and the incumbent judge of the civil division shall be designated the judge. The Chief Justice shall appoint the successor senior judge, the appointment to become effective January 1st, 1956. The Chief Justice shall appoint the successor judge, the appointment to become effective January 1st, 1958. In case of a vacancy in either office, the Chief Justice shall, not less than ten nor more than fifteen days after such vacancy occurs, appoint the successor in said office of the court for the unexpired term. Nothing herein shall prevent the appointment of the incumbent judge to the office of senior judge. Not less than fifteen days prior to the effective date of the appointment of the senior judge and of the appointment of the judge, and, in case of a vacancy, not more than ten days after such vacancy occurs, the Greensboro Bar Association shall submit to the Chief Justice the names of three qualified attorneys at law, and the Chief Justice shall make his appointment from the names so submitted; provided that any limitation of time herein fixed shall be advisory and not mandatory. Neither judge shall practice law while holding office.

The senior judge and the judge shall have equal and concurrent jurisdiction, authority and power, but the senior judge shall have the sole

duty and authority to supervise and administer the functions of the court, its docket and calendar, and, generally, the power to assign trial work by apportioning cases upon the docket between judges and assigning the prosecution of such cases to the solicitors.

(b) Solicitors. Appointment and Term. Assignment of Duties. That there shall be two offices of solicitor and the solicitor for each office shall be appointed by the Chief Justice of the Supreme Court of North Carolina and each shall serve for terms of two years or until their successors are appointed and qualified; provided that the presently incumbent solicitor and solicitor pro tempore shall hold these offices until their successors are so appointed. The Chief Justice shall appoint the successor solicitor to the incumbent solicitor pro tempore, the appointment to become effective January 1st, 1956, who shall hold office for a term of two years and until his successor is appointed and qualified. The Chief Justice shall appoint the successor to the incumbent solicitor, the appointment to become effective January 1st, 1957. In case of a vacancy in either office during the term, the Chief Justice shall, not less than ten nor more than fifteen days after such vacancy occurs, appoint the successor in said office of solicitor of the court for the unexpired term. Not less than fifteen days prior to the effective date of the appointment of a solicitor to either office, and, in case of a vacancy, not more than ten days after such vacancy occurs, the Greensboro Bar Association shall submit to the Chief Justice the names of three qualified attorneys at law and the Chief Justice shall make his appointment from the names so submitted; provided that any limitation of time herein fixed shall be advisory and not mandatory. Neither solicitor shall privately practice law before the court, nor shall he privately practice law before any other court, except in matters of a civil nature. The solicitors shall be subject to assignments and dockets specified by the senior judge.

(c) Substitute Judges and Solicitors. Whenever, in the judgment of the judges, the need exists, the senior judge and, in his absence or disability, the judge may, by order entered and filed with the clerk, appoint one or more attorneys at law to act as substitute judge or substitute solicitor. Such order of appointment shall set forth the specific session, or sessions, of said court and the specific time for which said substitute judge or substitute solicitor shall serve, and for such period of time and such sessions specified, said substitute judge or substitute solicitor shall have the powers of a judge or a solicitor respectively of said court.

(d) Other Court Personnel. Powers. Duties. The court shall be staffed with other personnel whose powers and duties shall be as follows:

(1) Clerk of Court. During the month of December, 1955, and each second year thereafter, the City Council of the City of Greensboro shall appoint for a two-year term a clerk of said court, whose term shall begin the 1st day of January next following his appointment; provided that the presently incumbent clerk shall hold this office until his successor is so appointed. Such appointment shall be made upon the recommendation of the senior judge, who alone shall have the authority to fix the hours of work, duties and policies of the clerk and his office. Before entering upon

the duties of said office, the clerk shall enter into a bond, with surety approved by the City Council, in the sum of twenty-five thousand dollars ($25,000.00), payable to the State of North Carolina, for the use and benefit of the City of Greensboro and Guilford County, as their interests may be, for the true and faithful performance of his duties as clerk and for the faithful accounting for and paying over of all moneys which come into his hands by virtue of said office. Said clerk shall make monthly settlements with the county and city treasurers. The city council shall likewise authorize the appointment and employment, from time to time, of such assistant clerks, deputy clerks, and clerical personnel for the office of the clerk as the senior judge shall specify, by and with the consent of the city council; provided that all assistant clerks shall enter into a bond, identical with that required of the clerk, in the sum of ten thousand dollars ($10,000.00). The City Council of the City of Greensboro shall at any time have the right, upon motion of the senior judge, to remove the clerk, the assistant clerks and the deputy clerks of court, either for incompetency or neglect of the duties of this office.

(2) Powers and Duties of Clerk. It shall be the duty of the clerk to keep such dockets, records and indexes as the senior judge shall prescribe, and, with respect to criminal actions, such records shall show an accurate and true record of all costs, fines, penalties, forfeitures, and punishments imposed by the court, and the name and residence of each offender, the nature of the offense, the date of hearing and trial, and the punishment imposed. With reference to civil actions, his record shall show the name of each party, the date of the institution of the action, the costs advanced and paid, the date of service of process, and such other records, judgment dockets, indexes and documents as the senior judge shall, from time to time, prescribe. With respect to all actions, matters and proceedings, civil or criminal, of which the court has jurisdiction, and with respect to all affidavits, process, proceedings, orders, or writs pertaining thereto, the clerk shall have and exercise all the same powers, duties and authority as the Clerk of the Superior Court would have, if the Superior Court had jurisdiction thereof, including the power to fix and take bond, both civil and criminal, to take proof by oath and issue search warrants, as provided by G. S. 15-25, and the general power to administer oaths. The clerk shall have no authority to enter orders, decrees, or judgments in any case, except that he shall have the power and authority to enter consent judgments, judgments of voluntary nonsuit, consent orders extending the time to file pleadings, and orders authorized by this Act transferring cases to the Superior Court of Guilford County. In the absence or disability of the clerk, the assistant clerk shall have all the powers and authority of the clerk as fully as assistant clerks of the Superior Court would have, if the Superior Court had jurisdiction. In the name of the clerk the deputy clerks shall have the duty and authority of performing all ministerial and administrative functions of the clerk as fully as Deputy Clerks of the Superior Court would have, if the Superior Court had jurisdiction, with respect to all actions, matters and proceedings of which the court has jurisdiction, and with respect to all affidavits,

process, proceedings, orders, or writs pertaining thereto. In addition, deputy clerks, in the name of the clerk, shall fix and take bond, civil and criminal, and take proof by oath and issue search warrants, as provided by G. S. 15-25.

(3) Bailiffs. The City Council of the City of Greensboro shall, upon order entered by the senior judge and filed with the city manager, appoint and designate such court bailiff, or bailiffs, as the needs of the court and its judges may require. The hours of service and duties of said bailiffs shall be fixed, from time to time, by order of the senior judge.

(4) Executive Secretaries. The senior judge may, by order entered and filed with the clerk, appoint and designate such executive secretary, or executive secretaries, as the needs of the court and its judges and solicitors may require. The hours and duties of said secretaries shall be fixed, from time to time, by order of the senior judge.

(e) Qualification for Office. In addition to other qualifications, all court personnel and employees shall be citizens of the State of North Carolina and bona fide residents within the territorial jurisdiction of the court; provided that all judges, solicitors, substitute judges and substitute solicitors and clerks, assistant clerks and deputy clerks shall be not less than twenty-one years of age.

(f) Oath of Office. The judges, substitute judges, solicitors, substitute solicitors, clerk, assistant clerks and deputy clerks and bailiffs shall, before assuming office, take and subscribe the oath required of corresponding officers of the Superior Court.

(g) Salaries and Compensation. All salaries of the court officials and compensation for personnel and employees shall be paid by the City of Greensboro. The salary of the senior judge shall be not less than nine thousand dollars ($9,000.00) per year and the salary of the judge shall be not less than eight thousand five hundred dollars ($8,500.00) per year, each payable in equal monthly installments. The salaries of the solicitors shall be not less than seven thousand five hundred dollars ($7,500.00) per year, each payable in equal monthly installments; provided that, so long as one of the solicitors shall be designated by order entered by the senior judge as serving part time only, said order shall designate the percentage of time such solicitor devotes to the duties of his office, in which event such part time solicitor shall draw the pro rata percentage of the salary herein provided. All other salaries and compensation shall be fixed and determined in the discretion of the City Council of the City of Greensboro.

"Sec. 3. Jurisdiction. The court shall have the following jurisdiction:

(a) Territorial. The territory over which the court's jurisdiction shall extend shall consist of Guilford County, except the Townships of High Point, Jamestown and Deep River.

(b) Criminal. The offenses over which the court's jurisdiction shall extend, and the extent to which it shall extend shall be:

(1) Original, exclusive and final jurisdiction of all violations of ordinances of the City of Greensboro and of all criminal offenses below

the grade of felony, as defined by law, and above the grade of those offenses, the final jurisdiction of which is now, or may hereafter be, given to justices of the peace under the Constitution and laws of North Carolina;

(2) Original, concurrent and final jurisdiction, as the case may be, of all offenses occurring within the territorial jurisdiction of the court, which are now, or may hereafter be, given to justices of the peace under the Constitution and laws of North Carolina;

(3) Original and concurrent jurisdiction, as the case may be, to hear and bind over to the proper court all persons charged with any crime committed within the territorial jurisdiction of the court, wherever the Superior Court is now given exclusive original jurisdiction;

(4) Whenever a Justice of the Peace of Guilford County holds preliminary hearing in cases of misdemeanors occurring within the territorial jurisdiction of this court, and wherein this court has final jurisdiction, as herein provided, he shall, if probable cause be found, bind the defendant, or defendants, over to the Municipal-County Court for trial to the next following court day, and the witnesses for the State shall be recognized to appear in the Municipal-County Court at the time herein provided for trial;

(5) All Justices of the Peace of Guilford County, upon the conviction of the defendant, or defendants, of offenses of which they shall have final jurisdiction and which occurred within the territorial jurisdiction of this court, shall, upon notice of appeal being given by said defendant, or defendants, bind the defendant, or defendants, over to the Municipal-County Court for trial to the next following court day, and the witnesses for the State shall be recognized to appear in the Municipal-County Court at the time herein provided for trial; and

(6) In all criminal actions before Justices of the Peace of Guilford County in which the offense occurred within the territorial jurisdiction of the Municipal-County Court the justice of the peace before whom the process is returnable shall, upon written request made by the defendant, or defendants, and before evidence is introduced, move the same to the Municipal-County Court for trial to the next following court day, and the witnesses for the State shall be recognized to appear in the Municipal-County Court at the time herein provided for trial.

(c) Civil. The civil actions and proceedings over which the court's jurisdiction shall extend shall be:

(1) Concurrent jurisdiction with justices of the peace in all civil matters, actions and proceedings, including, but not limited to actions in summary ejectments, actions to enforce liens provided for by Chapter 44 of the General Statutes, entitled "Liens", actions for the recovery of personal property, and actions for and against minors and other persons not sui juris.

(2) Concurrent jurisdiction with the Superior Court of civil actions, excepting equity, divorce and those wherein title to real property is in controversy, wherein the sum demanded, exclusive of interest, or the stated value of the property in controversy does not exceed three thou-

sand dollars ($3,000.00), including, but not limited to, actions to enforce liens provided for by Chapter 44 of the General Statutes, entitled "Liens" and actions for the recovery of personal property, and actions for and against minors and other persons not sui juris.

(3) Exclusive original jurisdiction of all civil actions for the recovery of any penalty imposed by any ordinance of the City of Greensboro, regardless of amount, and concurrent jurisdiction with the Superior Court of all civil actions for the recovery of any penalty imposed by the law for any acts within the territorial jurisdiction of the court not to exceed three thousand dollars ($3,000.00), exclusive of interest, such penalty to be sued for and recovered in the name of the City of Greensboro, if imposed by ordinance, and in the name of the proper party designated by law, if imposed by other law and if incurred by a minor, shall be recovered from and in an action against his parents or guardian, or, if he be an apprentice, against his master. From any judgment rendered in any action or proceeding brought to enforce or collect any penalty imposed, as aforesaid, either party may appeal to the next term of the Superior Court of Guilford County in like manner and under the same rules and regulations as are herein prescribed for other appeals from judgments of this court. All penalties collected for any misdemeanor consisting of a violation of any ordinance of the City of Greensboro, whether in the court in which the prosecution originated or in the court to which it was carried by appeal, shall belong to said city and be paid to its general fund; and all judgments rendered in any court for such penalties shall belong to and be controlled by said city. All penalties hereinbefore provided to be recovered in the name of the City of Greensboro shall belong, and, upon collection, be paid to said city, and all judgments for same may be collected in the same manner as other judgments for money are collected, and may be docketed in the Superior Courts of this State in the same manner as provided for the docketing of other judgments of this court, and, when so docketed, shall be and constitute liens in the same manner and to the same extent as other judgments so docketed.

(4) Original, concurrent, or exclusive authority, as the case may be, to grant provisional remedies of arrest and bail, claim and delivery, attachment (including the remedy of attachment in actions for the collection of taxes), in connection with any matter of which the court has jurisdiction where such provisional remedies are now, or may hereafter be, allowed by law, but the court shall have no authority to appoint receivers or issue injunctions; and

(5) The court shall have and exercise all of said civil jurisdiction only when it has jurisdiction of the person in any of the following cases:

(a) Where the plaintiff, or any one of the plaintiffs, if an individual person, lives within the territorial jurisdiction of the court;

(b) Where the defendant, or any one of the defendants, if an individual or natural person, lives within the territorial jurisdiction of the court;

(c) Where the plaintiff, or any one of the plaintiffs, if a corporation, regardless of the location of its principal office, and whether a foreign or

domestic corporation, has a place of business within the territorial jurisdiction of the court; and

(d) Where the defendant, or any one of the defendants, if a corporation, regardless of the location of its principal office, has a place of business within the territorial jurisdiction of the court.

"Sec. 4. Special Powers. Rules. In addition to the powers set forth in Sections 2 and 3 of this Act, and the inherent powers of a court, the Municipal-County Court shall have the following specific powers and be governed by the following rules of practice and procedure:

Rule 1. Use of Superior Court Rules. Unless otherwise specifically provided, or unless clearly inapplicable, the rules of practice and procedure that are now, or may hereafter be, prescribed for the Superior Court, shall be the rules of practice and procedure of this court.

Rule 2. Rule-Making Authority. The senior judge shall have full power to regulate by rules of court all matters of practice not herein provided for. All rules of court made by authority of this rule shall, from time to time, be printed and made available for distribution to the members of the bar and the public.

Rule 3. Procedure Forms. The court, through the senior judge, shall prescribe the forms to be used by the court and the litigants, not inconsistent with this Act; provided all such forms shall be the same as those prescribed by law for use in the Superior Court, changed only to the extent necessary to conform them to the provisions of this Act.

Rule 4. Sessions and Dockets. The court shall hold a daily session, or sessions, except on Saturdays, Sundays and holidays specified for City of Greensboro employees by ordinance. The court may, in its discretion, sit for the trial of criminal cases only, civil cases only, or for the trial of both criminal and civil cases, and two or more sessions may be held concurrently for each or both types of cases. All sessions of the court shall be held in the City Hall of the City of Greensboro, unless adjourned by order of court to another public building approved by the City Council of the City of Greensboro.

Rule 5. Terms. The terms of the court shall be weekly and shall run from the convening of court on Monday, or the first convening of the court in any week, to its adjournment on Friday, or the last adjournment of the week; provided that the court may extend a term beyond the foregoing limitation for such time as may be necessary to properly perform the functions of the court, in which event said term shall extend to its actual termination and adjournment, as set forth in the records of the court. Between the convening and adjournment of courts the court and all its sessions shall recess.

Rule 6. Jury Trials. There shall be no jury trials in the court, either in civil or in criminal cases. A defendant charged with a criminal offense within the jurisdiction of the court, however, may demand a jury trial, either in person or through counsel, and thereupon the presiding judge shall enter an order transferring the case to the Superior Court of Guilford County, Greensboro Division, and the witnesses for the State shall be recognized for their appearance at the next ensuing criminal term of

said court, and such defendant shall give bond for his appearance at the next ensuing term of said court in the same manner as provided in case of an appeal to the Superior Court. Thereafter, said case shall be tried in the Superior Court, Greensboro Division, upon the original warrant.

Rule 7. Processes of Domestic Relations Court. The clerk of the court, the assistant clerks, and the deputy clerks in the name of the clerk, are authorized and empowered to issue processes of and returnable to the Guilford County Domestic Relations Court; provided that only such processes as are authorized by the senior judge, by rule of the court filed with the clerk, may be so issued.

Rule 8. Subpoenas and Depositions. The court shall have power to issue subpoenas for and to require the attendance of witnesses, and, generally, to exercise the powers of the Superior Court with respect to the production of evidence. Depositions may be taken in said court and may be used therein under the same rules as are now, or may hereafter be, prescribed by law for the taking of depositions in actions pending in the Superior Court.

Rule 9. Witnesses' Fees. Mileage. Witnesses in attendance upon the court, responsive to a subpoena requiring their presence, shall be permitted to prove their attendance with the clerk, and, upon proving their attendance, shall be entitled to receive out of the costs, when collected by the court from the party against whom said costs shall be taxed, the sum of fifty cents (50c) per day for each day said witness, or witnesses, shall attend said court responsive to said subpoena, and, in addition thereto, the said witness, or witnesses, shall be entitled to receive mileage at the rate of five cents (5c) per mile for one round trip to court whenever the witness, or witnesses, shall reside outside of Morehead or Gilmer Townships; provided that the witness, or witnesses, shall not be permitted to prove attendance, unless they shall be sworn and testify, or be tendered to the court or the adverse party; provided, further, that neither the clerk of court nor the city of Greensboro shall be liable for any of the witness fees or mileage cost hereinbefore provided, unless the court costs be paid by the party against whom the said costs shall be taxed, and unless the said witness, or witnesses, shall have proven their attendance. In addition to the foregoing witness fees, the court may, in its discretion, allow expert witness fees, to be taxed as a part of the costs, but the City of Greensboro shall not be liable for any such expert witness fees until the same shall have been paid by the party, or parties, against whom the same shall be taxed.

Rule 10. Contempt Powers. The judges of said court shall have the same power to issue citation and punish for contempt as is given to Judges of the Superior Courts by Chapter 5 of the General Statutes of North Carolina, as amended, and the procedure in such contempt matters shall be the same as provided by said Chapter.

Rule 11. Records. The records of the court shall be kept by the clerk of the court in his office and shall consist of such indexes, files, minutes, minute dockets, judgment dockets, court and case files, and such other

records as shall be prescribed, from time to time, by the senior judge. The clerk of the court shall keep minutes of all proceedings of the court, which shall be kept in a permanent file by said court. It shall be the duty of the clerk of the court to keep all such records ordered by the senior judge, and it shall be the duty of the senior judge to see that proper records are properly kept, and, where the same are not sufficiently prescribed by law, to prescribe the nature and form thereof, so that the records of said court shall be permanent, full and complete.

Rule 12. Criminal Process. Service. The clerk of the court, the assistant clerks, and the deputy clerks in the name of the clerk, shall issue all criminal processes of the court on affidavit made before them, and such processes shall be returnable forthwith to the court. Criminal processes of the court may be issued to the Chief of Police of the City of Greensboro or to the Sheriff, Constable, or other lawful officers of Guilford County, or of any other county in the State of North Carolina, and such processes, when attested by the seal of the court, shall run anywhere in the State of North Carolina and shall be executed by all officers, and returns made thereon according to law; provided no seal shall be required upon any process issued by or from the court to any officer of the City of Greensboro or of Guilford County. Criminal processes for defendants, parties, or witnesses living or residing outside the corporate limits of the City of Greensboro and beyond the one-mile area beyond said corporate limits shall be directed to and served by the Sheriff or other lawful officer of Guilford County. Processes for defendants, parties, or witnesses living or residing within the corporate limits of the City of Greensboro and within the one-mile area around said corporate limits shall be directed to and served by the Chief of Police or other lawful officer of the City of Greensboro.

Rule 13. Amendment of Warrants. The court shall have the power to amend any warrants to the extent now, or hereafter, permitted by law.

Rule 14. Bond. The court shall have the same powers to fix and take bond and recognizances, and to render judgments on forfeited bonds and recognizances as is vested in the Superior Court. Transcripts of any judgments rendered upon forfeitures in such cases may be docketed in the Superior Court of any county in North Carolina in the same manner and with like effect as is provided for the docketing of other judgments of the court.

Rule 15. Preliminary Hearing. In all cases heard by the judges of the court as committing magistrates in any case where the court does not have final jurisdiction, and in which probable cause of guilt is found, the defendant, or defendants, shall be bound in bond or recognized, with sufficient surety, to appear at the next succeeding criminal term of the Superior Court of Guilford County, Greensboro Division, and, in default of such bond or recognizance, the defendant, or defendants, shall be committed to the common jail of Guilford County to await trial; provided in all capital cases the defendant, or defendants, shall be committed to the common jail of Guilford County without bail.

Rule 16. Punishment. All persons pleading guilty or nolo contendere,

or convicted by the court, of any offense within the jurisdiction of the court, shall be fined or imprisoned according to law, and any person entering a plea of guilty or nolo contendere, or who is convicted by the court, shall pay the costs of the prosecution. When any person is convicted or pleads guilty or nolo contendere to any offense of which the court has final jurisdiction, the court may sentence said person to the common jail of Guilford County and assign him to work on the public roads of the county or in the county workhouse, or to the city jail or on the streets or other public works of the City of Greensboro, as provided by law.

Rule 17. Costs in Criminal Cases. Regardless of whether the jurisdiction of the court is original or derivative, in each case disposed of by the court, either by plea of guilty or nolo contendere, or where the defendant is found guilty, there shall be taxed and paid to the clerk of the court by each defendant named in the warrant the sum of sixteen dollars and fifty cents ($16.50); provided, in addition to the foregoing costs, there shall be taxed by the clerk, as a part of the costs, where applicable, the sum of two dollars ($2.00) plus service fees whenever the writ of scire facias is issued by the court and the sum of fifty cents (50c) for each meal served in jail and such other jail costs as shall be required by law, but no other nor further cost whatsoever shall be taxed. From the costs so taxed and collected the clerk of the court shall pay (a) to the proper authority the sum required to be taxed in a bill of cost for the State Police Fund; (b) to the proper authority the sum required to be taxed in a bill of cost, if any, for the Greensboro Police Fund; (c) such sum as shall be required to be taxed in the bill of cost and due to witnesses for attending court and their mileage; (d) to Guilford County, or to the proper officer or officers, as the case may be, such sum as may be due for service of process; (e) such sum as may be required to be taxed in the bill of cost and due to a justice of the peace, if the warrant originated before a justice of the peace; and (f) the balance of such costs to the Treasurer of the City of Greensboro; provided that such disbursement of the costs shall be made by the clerk at such times as the senior judge shall order.

Whenever the jurisdiction of the court is derived from a justice of the peace, whether by appeal, by a finding of probable cause as a committing magistrate, or by transfer of the case, the costs which shall be paid to the justice of the peace from which the court derives jurisdiction shall be the fee which is now, or shall hereafter be, fixed by law for the issuing of a warrant by a justice of the peace, together with the fee which is now, or may hereafter be, fixed by law for the issuing of such subpoenas as may be issued by such justice of the peace for State's witnesses, and the City of Greensboro and the clerk of court shall be liable for no other or further costs whatsoever to a justice of the peace.

The court shall have full power in any case in which it shall adjudge that the prosecution was malicious, irresponsible, frivolous, or not required by the public interest, to tax the prosecutor with the costs of said action, and, in the event that said court shall adjudge such prosecution is frivolous and malicious, the court shall have the power to imprison such

prosecutor for the nonpayment of such costs, as provided by Section 6-50 of the General Statutes of North Carolina, as amended, until such costs are paid.

Rule 18. Fines in Criminal Cases. All fines and forfeitures collected, pursuant to judgments as punishment imposed by the court, shall be paid by the clerk of court to the Guilford County Treasurer, to be applied by him as provided by law.

Rule 19. Appeal in Criminal Cases. Any person shall have the right to appeal to the Superior Court of Guilford County, Greensboro Division, from any judgment or punishment imposed, whether the same shall be by reason of conviction or upon a plea of guilty or of nolo contendere, and, upon such appeal, the trial shall be de novo. Notice of appeal may be given in open court or served upon the clerk and the solicitor not later than ten days after the date of entry of the judgment appealed from, in the same manner as is provided by law for the giving and serving of notices of appeal in the Superior Court. The appeal must be perfected, or withdrawn, not later than fifteen days after entry of the judgment appealed from.

Rule 20. Appeal Bond in Criminal Cases. In case of an appeal in a criminal case, the defendant, or defendants, shall be required to give bond, with sufficient surety to insure his or their appearance in the Superior Court, and in default thereof the judge shall commit the defendant, or defendants, to the common jail of Guilford County until he, or they, shall give bond or be otherwise discharged according to law.

Rule 21. Civil Process. Service. Every summons shall be issued in the name of the State of North Carolina by the clerk of court, assistant clerks, or deputy clerks, in the name of the clerk, and shall be directed to the Sheriff or other lawful officer of Guilford County, or of any other county, as the case may require. Every summons or other process to be served or executed outside of Guilford County shall be sealed with the seal of said court, but no summons or other process to be served within Guilford County need be so sealed.

The summons shall be served and returned, as provided by law for the service and return of summons issued from the Superior Court; provided that, in those cases where the summons fixes the date for trial at a time less than ten days from the date of the summons, the summons shall be effective only until the date fixed for trial, and, if not served within that time, shall be returned with the officer's return of non-service endorsed thereon. Upon the return of the summons to the court, the clerk shall report to the attorney for the plaintiff, if the name of the attorney appears on the summons, or otherwise appears on the court record, and, if not, then to the plaintiff, the date of service on each defendant, or, if service was not obtained on any defendant, the fact thereof, but failure of the clerk to make such report shall not invalidate the service of the summons.

If the defendant be not served with summons within ten days, the plaintiff may sue out an alias or pluries summons, or may obtain an endorsement from the clerk of the court extending the life of the sum-

mons in the manner and for the time as is now, or may hereafter be, fixed by law for the extension of the life of summonses issued from the Superior Court.

Service of summons by publication may be had in the same manner as is provided by law for service by publication in actions in the Superior Court, and in all such publications of summons the clerk of the court shall have the same power and authority as the Clerk of the Superior Court to issue orders of publication of summons.

In all civil actions, proceedings and matters of any kind, all summonses issuing from the court shall be served as is now provided by law for the service of processes issuing from the Superior Court. The fees for service or execution of such process shall be the fees prescribed by law for the service of process issuing from the Superior Court of Guilford County. All fees for service of process shall be paid to the clerk of court and shall be paid by him to the officer serving said process.

Rule 22. Court Costs in Civil Cases. Cost Bond. No prosecution or cost bond shall be required in any action instituted in the court, but at the time of the commencement of any action or the docketing of any case removed to the court from a court of a justice of the peace, the plaintiff or party causing the case to be removed shall pay to the clerk of court costs, in accordance with the following schedule:

(1) In actions within the jurisdiction of justices of the peace .. $3.00
(2) In all other actions 6.00
(3) In all cases where a provisional or ancillary remedy is sought, an additional fee of 1.00

In addition to the foregoing, the plaintiff shall pay to the clerk of court an amount sufficient to cover the fee for the service of all processes issued in connection with the commencement of such action.

The clerk of court shall require payment in advance of the costs set out below for the issuance of any of the following:

Issuing subpoenas ..... .25, plus service fee
Issuing execution ..... $1.00, plus service fee
Preparing and executing transcript of judgment .60
Preparing and executing return to notice of appeal 1.00
Removal of cause 1.00

In every civil action, matter or proceeding disposed of by the court the cost shall be taxed as provided by this rule, and subject to the witness fees and mileage allowances provided for in Rule 9 of this Section. Upon every Return to Notice of Appeal and every order of transfer to another court, the clerk of court shall certify an itemized statement of the cost taxed in this court, and, upon final determination of the appeal, or upon final determination of the case transferred, the Clerk of the Superior Court to which the case is transferred shall include the costs in this court as a part of the costs taxed in that court.

In addition to specific court costs, the clerk of court is authorized, directed and empowered to charge the sum of fifty cents (50c) per sheet for certifying any document under the seal of the court.

Rule 23. Pleadings, Statement of Cause of Action. Unless ordered by the judge, and except in cases where the plaintiff, as hereinafter provided, elects to file or is required to file a written complaint, it shall not be necessary to file written pleadings in any action in the court. Where an action is started without the filing of a written complaint, the summons shall state briefly the nature of the cause of action in which the same is issued and the amount sought to be recovered. No action shall be dismissed for failure of the summons to state the cause of action sufficiently; provided that the judge may require the plaintiff to restate the cause of action, or the judge, in his discretion, may order written pleadings to be filed in any action. When the summons runs outside of Guilford County or where the sum sought to be recovered, exclusive of interest, or the stated value of the property sought to be recovered exceeds two thousand dollars ($2,000.00), regardless of where the summons shall run in the latter case, such actions cannot be instituted except upon written pleadings, and shall be subject to and governed by laws and rules applicable to actions in the Superior Court, and the defendant, or defendants, shall within thirty days from service of summons, or within twenty days from the final determination of any motion required to be made prior to the time for filing answer expires, file in writing answer or other pleadings. In any other case, even though written pleadings are not required, the judge, in his discretion, and upon his own motion, or upon application of any party or his attorney, and without notice to any party, may require the parties to file written pleadings within such time as the judge may, in his discretion, specify.

Written pleadings need not be verified, unless specifically ordered, but the court shall render judgments by default final and by default and inquiry in the same manner as is provided by law for the rendition of such judgments in the Superior Court, and only upon a properly verified complaint. Where a party files a properly verified pleading requiring an answer or reply, such answer or reply shall be valid, as such, only in the event it is filed in apt time and is properly verified.

Rule 24. Rights of Minors and Incompetents. A judge or the clerk of the court may appoint next friends or guardians ad litem as is now, or may hereafter be prescribed by law for the appointment of next friends or guardians ad litem in the Superior Court. In all actions by and against minors, incompetents and persons not sui juris the judges shall have and exercise all of the power and authority of the Judges of the Superior Courts to consider, pass upon the fairness and reasonableness of, and approve compromises and settlements with and by such persons not sui juris, and to hear and determine all such actions by and against such persons. In any case where a judgment is awarded in favor of a minor or incompetent or person not sui juris, the clerk of court is authorized and empowered to pay to the Clerk of the Superior Court of Guilford County, or to the general guardian of the minor or incompetent or person not sui juris any sum, or sums, paid in to court in satisfaction of any such judgment.

Rule 25. Removal of Causes. Removals to or from this court shall

be only as follows: (a) Every civil action, matter, or proceeding of any kind brought in a court of a justice of the peace, where the cause of action is within the jurisdiction of this court, shall, upon motion or request of any party thereto, or of his attorney, made before the introduction of evidence, be removed to this court. With such order of removal, the justice of the peace making the same shall transmit to this court an itemized bill showing the costs already accrued in such cause. Such cause, when so removed, shall stand for trial on the following day, but shall be entitled to no preference over other causes set for trial that day.

(b) The court shall have authority, in its discretion, for the convenience of parties or witnesses only, to remove any action commenced in this court to the Superior Court of any county other than Guilford County, if such Superior Court would have had jurisdiction of the action, if originally commenced in such Superior Court.

(c) The court shall grant removals to the Superior Court of Guilford County as follows: (1) Any action, matter or proceeding of any kind in which the amount in controversy, exclusive of interest, or the stated value of the property sought to be recovered exceeds two thousand dollars ($2,000.00), shall be transferred by order of one of the judges to the Greensboro Division, as a matter of right, upon motion of any defendant, or any additional party, or parties, plaintiff or defendant. Such motion for transfer must be made before the expiration of the time for answering and before, or simultaneously with, the filing of any other motion or pleading therein. Upon the filing of such motion, the court shall immediately, and without notice or hearing, grant and enter an order of transfer to the Greensboro Division, and thereupon a copy of the motion and of the order of transfer shall be immediately mailed by the clerk of the court to the plaintiff or any other party, or parties, or his or their attorney, or attorneys, of record.

(2) All motions for transfer to the Greensboro Division may or may not be accompanied by a demand for a jury trial, but, if the defendant intends to demand a jury trial, such demand shall be included in the motion for transfer. Where a jury trial is so demanded, then the case shall be immediately docketed upon the regular appearance or civil issue docket, as the case may be, of the Greensboro Division. The making of the motion for transfer and the granting or entry of an order of transfer shall not in any wise enlarge the time for answering or otherwise pleading; provided that the making of such motion and the granting of such order shall not prevent the simultaneous granting of an order extending the time for pleading. The motion for the transfer of a case without a demand for a jury trial shall be deemed a specific waiver by the defendant of a jury trial. All motions for transfers, with or without demands for jury trial, shall be filed with the clerk of the court in writing and signed by the moving party or his attorney, at which time a copy shall be filed with the clerk for each of the parties to the action, and the clerk shall immediately mail such copy to each party or his attorney of record.

(3) Upon the entry of an order of transfer, the clerk shall deliver

all process, pleadings, orders, or other instruments and matters constituting the case papers to the Clerk of the Superior Court of Guilford County, and the moving party or his attorney, within three days after the entry of the order of transfer, shall deposit with the Clerk of the Superior Court of Guilford County the usual advance costs and shall give the usual bond for costs, or secure an order allowing him to file the case in the Superior Court in forma pauperis. Failure to deposit the costs or to give bond above required, within said three-day time, shall be deemed an abandonment of the motion and order of transfer, and shall thereupon automatically revest the jurisdiction of such action in this court, and the file theretofore delivered by the clerk of this court to the Clerk of the Superior Court of Guilford County shall be immediately returned by him to the clerk of this court, with a certification from the Clerk of the Superior Court that the provisions for cost and bond have not been complied with.

(4) If the defendant files in any suit a counterclaim in which a money judgment is in good faith sought to be recovered, or in which the stated value of property sought to be recovered is beyond the jurisdiction of this court, such counterclaim shall, nevertheless, be a valid and subsisting counterclaim for the amount or property alleged, but the action shall be at once transferred by order of either judge to the regular civil issue docket of the Greensboro Division, and stand for trial by jury in the usual course, unless the parties file a stipulation that the case shall be placed upon the non-jury docket. Where the transfer of a case to the Superior Court is effected solely because the defendant files a counterclaim above the jurisdiction of this court, such defendant shall make the same deposit of court costs, and shall file the same bond as in case of other transfers.

(5) In all other civil actions, matters, or proceedings, by consent order, the parties shall have the right to transfer a case to the non-jury division of the Superior Court of Guilford County, Greensboro Division; provided that the cost deposit and cost bond requirements shall be the same as in other cases of transfer, and such order of transfer shall stipulate the party, or parties, required to deposit cost and required to give bond for cost.

Rule 26. Calendaring or Setting for Trial in Civil Cases. In those cases where no written complaint is filed, the summons shall direct the defendant, or defendants, to appear upon a date and hour certain and specified and at a place designated for the trial of the action, which date for trial shall not be earlier than the third day nor later than the 30th day after the date of the summons.

In those cases where suit is started with the filing of a written complaint each summons shall direct and require the defendant, not later than thirty days from the date of service of the summons, to appear and answer or otherwise plead to the complaint.

All cases may be tried at any time after they are at issue, and the rule that cases must be at issue for ten days, as provided by G. S. 1-173, shall not apply to cases at issue before this court.

In all cases in which written pleadings are filed by the parties the case

shall be placed upon the trial calendar for trial upon a day certain by motion of any party to the action, and, upon such calendaring, the clerk shall notify all of the parties or their attorneys of the day and time the case is calendared for trial.

Rule 27. Judgments. Transcripts. Executions. The judges shall sit as both judge and jury, and in all civil actions, matters, or proceedings of any kind they may either answer the issues arising upon pleadings and evidence or they may make such specific findings of fact and conclusions of law as they may think necessary and proper, and render judgment either upon the answers to the issues or upon the specific findings of fact and conclusions of law made. Judgments by default final and by default and inquiry may be rendered in the same manner and form as provided by law in the Superior Court, subject, however, to the provisions of Section 2 and Section 4, Rule 22, of this Act. All judgments shall be recorded on a judgment docket permanently kept by the court for this purpose.

A transcript of any judgment rendered by the court may be docketed in the office of the Clerk of the Superior Court of any North Carolina county in the same manner as transcripts of judgments rendered in the Superior Court of one county may be docketed in the office of the Clerk of the Superior Court of other North Carolina counties, and, when so docketed, said judgments shall have the full force and effect of all judgments docketed in the Superior Court.

Execution upon any judgment rendered in the court may be issued by the clerk of court, assistant clerks of court, or by deputy clerks in the name of the clerk, to the sheriff or other lawful officer of any county in North Carolina where the judgment is docketed, as herein provided, and such execution shall be governed by the laws applicable to executions issued by Clerks of the Superior Court, as prescribed by Art. 28, of Chapter One, of the General Statutes of North Carolina.

Rule 28. Satisfaction of Judgments. Disbursing Proceeds. All judgments rendered and docketed in the court shall be cancelled of record according to law applicable to cancellation of judgments in the Superior Court. The clerk of court, before paying out any money or funds paid in to his office under execution or otherwise upon a judgment docketed therein, shall make an entry of the receipt of said money upon the judgment docket, and, in paying out said funds, shall require the person receiving the same to place upon the judgment docket an entry acknowledging receipt of said money. In disbursing court costs and other funds collected or received upon any judgment so docketed, the clerk shall pay the same to the party in whose favor the judgment is rendered, if such party does not have an attorney of record, but, if such party has an attorney of record, then the clerk shall pay such funds to such party's attorney of record, and the receipt of such attorney of record to the clerk for such funds shall be and constitute a full and complete discharge and release of the clerk of the court.

Rule 29. Appeals in Civil Cases. From any judgment rendered in the court any party may appeal to the Superior Court of Guilford County,

where the trial shall be de novo. The procedure with respect to appeals to the Superior Court shall be as follows:

(a) The appealing party shall give notice of appeal in open court at the time judgment is rendered, or serve written notice of appeal on the opposing party or his attorney of record and on the clerk of court within ten days of the entry of the judgment appealed from. Notice of appeal to the Superior Court may or may not be accompanied by a demand for a jury trial, but, if the appealing party intends to demand a jury trial in the Superior Court, such demand shall be included in his notice of appeal as given in the manner herein provided. The opposing party, regardless of whether the appealing party demands a jury trial, may demand a jury trial in writing at the time notice of appeal is entered or served, and before the appeal is perfected, but failure to give such notice shall not preclude the opposing party from giving such notice in the Superior Court as provided by law. Where a jury trial is demanded by the appealing party or the opposing party, then the case, when the appeal is perfected, shall be immediately docketed in the Superior Court, Greensboro Division, upon the regular appearance civil issue docket, but where a jury trial is not demanded, the case, when the appeal is perfected, shall be docketed in the non-jury division of the Superior Court of Guilford County, Greensboro Division. Failure to demand a jury trial, as herein provided, by the appealing party and failure to demand a jury trial in this court by any other party, as herein provided, or in the Superior Court, shall be deemed a specific waiver by such party, or parties, of the right to a jury trial.

(b) The appealing party must, within fifteen days after the entry of the judgment appealed from, pay to the clerk of this court the costs for his Return to Notice of Appeal, and thereupon secure from the clerk of court a Return to Notice of Appeal.

(c) The appealing party must, within fifteen days after the entry of the judgment appealed from, file and perfect the appeal in the Superior Court of Guilford County by: (1) Paying to the Clerk of the Superior Court of Guilford County such fees, costs and advance deposits as may be required by law; (2) filing with the Clerk of the Superior Court of Guilford County the prosecution bond required by law; and (3) filing with the Clerk of the Superior Court, together with said cost and cost bond, the Return to Notice of Appeal.

(d) The appealing party must immediately after docketing an appeal, as aforesaid, give written notice, by registered mail, to the opposing parties or their attorneys of record of the date such appeal, is in fact, docketed in the office of the Clerk of the Superior Court of Guilford County.

(e) The foregoing procedure, and every part thereof, including notice to the opposing party, shall be conditions precedent to the perfecting of an appeal, and, upon completion and filing of an appeal in the manner aforesaid, the Clerk of the Superior Court of Guilford County shall docket the appeal of the action for trial de novo in the Superior Court."

Sec. 3. That Sections 2 to 28 of Chapter 651 of the Public Laws of 1909 be and the same are hereby repealed.

Sec. 4. If any part of this Act shall be declared unconstitutional or invalid, the remainder of the Act shall, nevertheless, remain in full force and effect.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 147 CHAPTER 972

AN ACT TO REVISE THE LAWS OF NORTH CAROLINA WITH RESPECT TO POSTMORTEM MEDICOLEGAL EXAMINATIONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 130 of the General Statutes of North Carolina is hereby amended by adding thereto a new Article, to be designated "Article 30. Postmortem Medicolegal Examinations", consisting of 12 new Sections numbered 130-293 to 130-304 and to read as follows:

"ARTICLE 30

Postmortem Medicolegal Examinations

G. S. 130-293. Committee Created.—For the purpose of administering this Article, there is hereby created within the State Board of Health a committee to be known as the Committee on Postmortem Medicolegal Examinations, which committee shall consist of seven persons, six of whom shall be ex officio members designated by notification in writing to the Governor as follows:

(1) The State Health Officer.

(2) The Attorney General, or a member of his staff designated by him.

(3) The Director of the State Bureau of Investigation or a member of his staff designated by him.

(4) The Head of the Department of Pathology of the Medical School of the University of North Carolina or his representative from said department designated by such departmental head.

(5) The Head of the Department of Pathology of the Bowman Gray School of Medicine of Wake Forest College or his representative from said department designated by such departmental head.

(6) The Head of the Department of Pathology of the School of Medicine of Duke University or his representative from said department designated by such departmental head.

(7) One member shall be a layman appointed by the Governor.

The State Health Officer shall be the Chairman of the Committee.

Regular meetings shall be held at such times as may be determined by the committee, and special meetings may be called at any convenient time and place upon reasonable notice signed by any three members.

Four members shall constitute a quorum for the transaction of any business coming before the committee.

The ex officio members shall have all the privileges, rights, powers, and duties of the appointed member and shall serve on the committee during the tenure of their respective offices or that of the officer they represent. The member appointed by the Governor shall serve for a period of four years.

G. S. 130-294. Powers and Duties of the Committee.—The committee shall have power subject to the approval of the State Board of Health:

(a) To make, amend, repeal, and promulgate necessary rules and regulations for its own government and procedure and for the performance of its duties under this Article, including the power to allocate the expenses of performing autopsies and to impose and allocate the expenses of performing toxicological studies.

(b) To accept grants, contributions, gifts, devises and bequests which may be used for purposes not inconsistent with the said grants, gifts, contributions, devises and bequests and for any other purposes as deemed necessary by the committee.

(c) To authorize the Chairman of the Committee and his employees to cooperate with all educational institutions and law enforcement agencies of the State for the purpose of furthering medicolegal education and training.

(d) To establish and maintain a toxicological laboratory under the supervision of the State Board of Health or if the committee deems it advisable so to do, contract with other technical personnel or for the use of technical facilities for the purpose of providing toxicologic service.

G. S. 130-295. Powers and Duties of the Chairman of the Committee.—It shall be the duty of the Chairman of the Committee to attend the meetings of the committee, to keep a record of such meetings, to attend to the official correspondence of the committee, to act as custodian of the files and records of the committee, to receive reports directed to the committee, to cause to be performed and to supervise and control medicolegal postmortem examinations, to furnish pertinent information and reports relating to such investigations as directed by the committee, and to perform all other duties delegated to him by the committee.

G. S. 130-296. Assistants and Employees, Salaries and Expenses.—

(a) The Chairman of the Committee may, with the approval of the committee, employ such professional, clerical, technical, and other assistants as are necessary to serve at the pleasure of the Chairman of the Committee and, subject to the provisions of the State Personnel Regulations and budgetary laws, fix the compensation and travel expenses of all persons so employed, such compensation and travel expenses to be in keeping with the compensation paid to persons employed to do similar work in other State departments, institutions, or commissions.

(b) No salary or other compensation for services shall be allowed members of the committee who already receive compensation as officials or employees of the State. Service on the committee is to be considered as part of the duties of such officials as representatives of their respec-

tive departments. Reimbursement for travel shall be made from travel funds available in their respective departments. The other members of the committee who are not officials or employees of the State shall receive ten dollars ($10.00) per day, including necessary time spent in traveling to and from their place of residence within the State to any place of meeting or while traveling on official business of the committee. In addition, they shall receive mileage according to State practice while going to and from any place of meeting or when on official business of the committee.

(c) For the more efficient conduct of the fiscal affairs of the committee, as well as for the convenience of any State agency, officer or department that may hold or have appropriated to or the custody of funds for the use and benefit of the committee, all such funds shall be held in a separate or special account on the books and records of such State agency, officer or department with a separate financial designation or code number to be assigned by the Budget Bureau or its agent, and said funds shall be expended solely upon the proper authorization or order of the committee.

G. S. 130-297. District Pathologists.—The committee shall have the power to divide the State into districts, and to alter such districts as from time to time the committee shall see fit, for the more effective administration of its duties under this Act. The Chairman of the Committee shall be empowered, with the concurrence of the committee, to appoint District Pathologists to serve at the pleasure of the committee. Any person holding the office of coroner may be appointed as District Pathologist or as a member of the committee, and any coroner who may be so appointed shall serve as such as a part of his duties as a coroner and shall not be considered as holding a separate office within the meaning of Article 14, Section 7, of the Constitution of North Carolina.

It shall be the duty of each District Pathologist with whatever aid, assistance, and guidance by the Chairman of the Committee as the circumstances may require, to perform a complete autopsy upon the body of the deceased in cases referred to him, under the provisions of G. S. 130-300 of this Act, and to make pathological studies of such anatomical materials as may be submitted to him by any medical examiner in his district or by others empowered by this Act to make such reference in the performance of their official duties.

The District Pathologist shall prepare a report to the Chairman of the Committee on every postmortem examination, and on every pathological anatomical study, in such form as may from time to time be prescribed by the committee, copies of which he shall deliver to the referring medical examiner or other referring person, to the Solicitor of the Superior Court of the district, and to the coroner of the county wherein the body of the deceased or any part of a body examined by him was found: Provided that a copy of said report shall be furnished to any other interested person upon order of a Court of Record after need therefor has been shown.

For each autopsy performed by reason of reference by a medical ex-

aminer or by others empowered by this Act to make such references, the District Pathologist shall receive a fee to be fixed in each case by the board of county commissioners, after consultation with the committee, and paid by the county of legal residence of the deceased or by the county wherein the body or remains of the deceased were first found, if the legal residence is unknown or is other than the State of North Carolina.

For each report made on pathological anatomical materials submitted to him for study, the District Pathologist shall receive a fee to be fixed in each case by the board of county commissioners, after consultation with the committee, and paid by the county wherein the anatomical materials were first found.

Such fees shall constitute full compensation of the District Pathologist for duties performed under this Section of the Act.

G. S. 130-298. County Medical Examiner.—The Chairman of the Committee shall appoint, subject to the approval of the committee and of the board of county commissioners of each county of the State that elects to come under this Article, a qualified and practicing physician as medical examiner for the county to serve at the pleasure of the board of county commissioners and until his successor has been appointed and qualified, and said person so appointed may be the county coroner, and any coroner who may be so appointed shall serve as such as a part of his duties as a coroner and shall not be considered as holding a separate office within the meaning of Article 14, Section 7 of the Constitution of North Carolina. Each county medical examiner may appoint one or more assistant county medical examiners, with the concurrence of the Chairman of the Committee, to serve at the pleasure of the county medical examiner who makes such appointment.

Upon the death of any person on or after the effective date of this Act apparently by the criminal act or default of another, or apparently by suicide, or suddenly when apparently in good health, or while an inmate of any penal or correctional institution, or under any suspicious, unusual or unnatural circumstances, the medical examiner of the county in which the body of the deceased is found shall be notified by the physician in attendance, by any law enforcement officer having knowledge of such death, by the undertaker, by a member of the family of the deceased, by any person present, or by any person having knowledge of such deaths, and no person shall disturb the body at the scene of death until authorized by the county medical examiner. In cases which come under G. S. 152-7, the medical examiner shall notify the coroner.

A similar procedure shall be followed upon discovery of anatomical materials suspected of being or determined to be a part or parts of a human body.

G. S. 130-299. Duties of County Medical Examiner.—Upon receipt of notice as specified in G. S. 130-298, the county medical examiner shall in each case make a physical and medical examination of the body or parts of a body which may be found, make inquiries regarding the cause and manner of death, reduce his findings to writing, and promptly make a full report thereof to the coroner of the county in which the body or any

part of a body was found, to the Solicitor of the Superior Court of the district in which the body or any part of a body was found, to the Chairman of the Committee and may, upon request furnish a copy of his report to the head of the law enforcement agency charged with the responsibility for the investigation of the incident upon forms or in the manner prescribed by the committee: Provided that a copy of said report shall be furnished to any other interested person upon order of a Court of Record after need therefor has been shown. The county medical examiner may delegate his duties in a particular case to one of his assistant county medical examiners, or may perform the same jointly with him.

For each investigation under this Article, including the making of the required reports, the county medical examiner shall receive a fee to be fixed by the board of county commissioners, after consultation with the committee, which shall be paid by the county for which he is appointed.

G. S. 130-300. When Autopsies and other Pathological Examinations to be Performed.—If, in the opinion of the medical examiner of the county wherein the body or anatomical material is first found under any of the circumstances set forth in G. S. 130-298, it is advisable and in the public interest that an autopsy or other pathologic study be made, or if an autopsy or other pathologic study is requested by the Superior Court Solicitor or by any Superior Court Judge, having authority in the judicial district wherein such county lies, such autopsy or pathological study shall be made by the District Pathologist or by a competent pathologist designated by the Chairman of the Committee for such purpose.

In any case of death under circumstances set forth in G. S. 130-298 where a body shall be buried without a medical examination being made as specified in G. S. 130-299, or in any case where a body shall be cremated except in compliance with the provisions of this Act, G. S. 130-301 in particular, it shall be the duty of the medical examiner of the county in which the body is buried, was cremated, or the remains were found, upon being advised of such facts, to notify the Superior Court Solicitor who shall communicate the same to any Resident or Assigned Judge of the Superior Court, and such judge may order that the body or the remains be exhumed and an examination or autopsy performed thereon by the District Pathologist, or by a pathologist appointed by the Chairman of the Committee. The pertinent facts disclosed by the examination or autopsy shall be communicated to the Superior Court Judge who ordered it, for such action thereon as he, or the court of which he is judge, deems proper. A copy of the report of the examination or autopsy findings and interpretations shall be filed with the Chairman of the Committee and the Superior Court Solicitor: Provided that a copy of said report shall be furnished to any other interested person upon order of a Court of Record after need therefor has been shown.

G. S. 130-301. When Medical Examiner's Permission Necessary before Embalming, Burial and Cremation.—(a) In any case where it is the duty of the county medical examiner to view the body and investigate the death of a deceased person as herein provided, it shall be unlawful to

embalm the said body until the written permission of the county medical examiner has first been obtained, and such county medical examiner shall make the certificate of death required for a burial permit, stating thereon the name of the disease causing death; or, if from external causes, (1) the means of death, and (2) whether (probably) accidental, suicidal, homicidal; and shall, in any case, furnish such information as may be required by the State Registrar in order properly to classify the death.

(b) It shall be unlawful to embalm or to bury a dead body, or to issue a burial permit, when any fact within the knowledge of, or brought to the attention of, the embalmer, the undertaker, or the local registrar charged with the issuance of burial permits, is sufficient to arouse suspicion of crime in connection with the death of the deceased, until the written permission of the county medical examiner has first been obtained.

(c) No permit for cremation of a body shall be issued by the local registrar charged therewith and no cremation of a body shall be carried out until the county medical examiner shall have certified in writing that he has made inquiry into the cause and manner of death and is of the opinion that no further examination concerning the same is necessary.

(d) A fee to be fixed by the board of county commissioners, after consultation with the committee shall be paid the county medical examiner for permits provided for in this Section by the person making application therefor, and copies of such permits shall be promptly filed by the county medical examiner in the office of the Chairman of the Committee.

Any person violating any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00).

G. S. 130-302. Nothing in this Act shall be construed as precluding a coroner from holding inquests or taking other steps as provided in G. S. 152-7 as hereby amended. All postmortem examinations under this Act shall be held and done under and subject to the control and direction of the Chairman of the Committee, who is hereby also vested with primary control over the remains, subject to the provisions of this Act.

G. S. 130-303. Election to adopt Chapter.—This Act shall not become effective until after its adoption by resolution of the board of county commissioners of the county desiring to come within the purview of this Act; any county having elected to come within the purview of this Act may, at the end of any fiscal year of such county, by appropriate resolution exclude itself from the provisions of this Act.

G. S. 130-304. Partial Invalidity.—If any Section or portion of this Act shall for any reason be held invalid, such invalidity shall not affect the remainder, it being the legislative intent that such remaining portions of this Act shall continue in full force and effect with the invalid part stricken therefrom."

Sec. 2. Paragraphs 6 and 7 of G. S. 152-7 are hereby repealed, and in lieu thereof the following are substituted:

"6. Immediately upon information of the death of a person within his county under such circumstances as, in his opinion, call for investiga-

tion, the coroner shall notify the Solicitor of the Superior Court and the county medical examiner, who in turn shall notify the Chairman of the Committee, and thereafter, the coroner shall make such additional investigation as the Solicitor may direct.

"7. If an inquest or preliminary hearing be ordered, to arrange for the examination thereat of any and all witnesses including those who may be offered by the Chairman of the Committee on Postmortem Medicolegal Examinations or the county medical examiner."

Sec. 3. G. S. 130-23 is hereby amended by striking out the words "to make the medicolegal postmortem examinations for the coroner's inquests", as to such county or counties as elect to come within the purview of this Act.

Sec. 4. G. S. 130-80 is hereby repealed as to such county or counties as elect to come within, and by appropriate resolution place themselves within the purview of this Act so long as such county or counties shall remain hereunder.

Sec. 5. G. S. 90-213 is hereby amended by adding thereto the following words: "Provided, further, that nothing in this Article shall restrict or limit the provisions of Article 30 of the General Statutes entitled 'Postmortem Medicolegal Examinations'."

Sec. 6. Sections 2 and 3 of Chapter 252 of the Public-Local Laws, Session 1941, are hereby repealed.

Sec. 7. All other laws and clauses of laws, inconsistent with the provisions of this Act, are hereby repealed to the extent of such inconsistency.

Sec. 8. This Act shall be in full force and effect from and after January 1, 1956.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 288 CHAPTER 973

AN ACT TO AMEND CHAPTER 873 OF THE SESSION LAWS OF 1953 RELATING TO APPROPRIATIONS MADE TO THE BOARD OF PUBLIC BUILDINGS AND GROUNDS CONCERNING THE INSTALLATION OF CERTAIN PUBLIC FACILITIES.

WHEREAS, Section 4 of Chapter 873 of the Session Laws of 1953 appropriated the sum of thirty-five thousand dollars ($35,000) for the purpose of the construction of "public toilets Capitol grounds", and

WHEREAS, it is not feasible to construct these facilities at the location provided for in said Act: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Public Buildings and Grounds is authorized to expend the sum of not to exceed thirty-five thousand dollars ($35,000) appropriated by Section 4 of Chapter 873 of the Session Laws of 1953 for the purpose of the construction of public toilet facilities at such location

as it may deem advisable and feasible within the vicinity of the Capitol Square.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 585 CHAPTER 974

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF COMMISSIONERS OF WAKE COUNTY TO SPEND PART OF THE MONEYS RECEIVED BY WAKE COUNTY FROM THE WAKE COUNTY BOARD OF ALCOHOLIC CONTROL AND OTHER MONEYS FOR CERTAIN PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Wake County be and it is hereby authorized and empowered annually to set apart and appropriate from moneys paid to Wake County by the Wake County Board of Alcoholic Control as profits from the operation of alcoholic beverage stores in Wake County or from surplus funds of the county not raised by taxation and not otherwise appropriated an amount not exceeding fifty thousand dollars ($50,000.00) per annum and to expend the same for the purpose of building water lines and sewer lines from the corporate limits of municipalities in Wake County to communities in Wake County outside corporate limits of municipalities. Said water lines shall be built and constructed for the purposes of public health and to promote the public health of communities in Wake County where large groups of employees live in and around factories and mills and where water and sewage facilities are necessary for the promotion of industrial enterprises. In addition said funds may be expended for the purpose of aiding, assisting and encouraging the location of manufacturing, industrial and commercial plants or businesses in Wake County and for advertising the advantages and resources of said county and for such other purposes as will, in the discretion of the board of county commissioners of said county, increase the taxable value of property of said county and which will promote the general welfare of said county, all of which purposes are hereby declared to be public purposes of the county.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 772 **CHAPTER 975**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ALAMANCE COUNTY TO PROHIBIT THE OPERATION OF LOUDSPEAKER, AMPLIFYING OR PUBLIC ADDRESS SYSTEMS IN CERTAIN AREAS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Alamance County is hereby authorized, in its discretion, either upon receiving petitions or without receiving any petition, to adopt a resolution describing and designating one or more of the populous areas of the county as an anti-noise area or areas.

Sec. 2. From and after fourteen days after the adoption of any Resolution pursuant to Section 1 of this Act, it shall be unlawful for any person, firm or corporation to operate in, or about any building or structure, other than a motor vehicle, a loudspeaker, amplifying or public address system for the purpose of making the voice, music or other sounds audible outside the building or structure wherein such voice, music or sound originates between the hours of 11:00 P.M. and 7:00 A.M.

Sec. 3. This Act shall not apply to any person, firm or corporation operating such sound devices wholly within any structure for the better hearing of guests or patrons therein; to the use of such sound devices for the purpose of celebration of holidays; to drive-in theaters or to the use of such devices when the purpose of such use is to prevent loss of life or injury to persons or property.

Sec. 4. A violation of this Act is a misdemeanor punishable by a fine of not more than fifty dollars ($50.00) or imprisonment for not more than thirty days.

Sec. 5. This Act applies only to Alamance County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 890 **CHAPTER 976**

AN ACT TO PROVIDE FOR VOLUNTARY INSPECTION OF POULTRY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 130 of the General Statutes is hereby amended by adding immediately after Article 24 of Chapter 130 of the General Statutes a new Article, to be designated as Article "24A", which shall read as follows:

"Article 24A

"Voluntary Inspection of Poultry

"G. S. 130-267.1. State Board of Health authorized to enforce regulations for voluntary program.—For the better protection of the public

health, the State Board of Health is hereby authorized and empowered to prepare and enforce rules and regulations governing the sanitation of all poultry processing plants, and to establish a voluntary program providing for the inspection of poultry meat products for wholesomeness for those poultry processing plants which make application to the State Board of Health for such inspection. Inspection for wholesomeness shall include post mortem examination of poultry slaughtered, the methods of preparing, handling, and storage of poultry meat products, and the condemnation and disposal of all poultry meat found unfit for human consumption.

"G. S. 130-267.2. Investigation and inspection of poultry establishment; issuance of permit.—It shall be the duty of the State Board of Health, upon receipt of an application for inspection, to cause to be made a thorough investigation of the processing plant, sanitary conditions existing in such establishment and the availability of qualified inspecting personnel. If such establishment is found to be operating in accordance with the regulations of the State Board of Health, as provided for in this Act, a number permit shall be issued to the person, firm, or corporation making application for same. No permit shall be issued unless the plant requesting inspection holds a Grade A sanitation rating under the sanitation rules and regulations prepared and enforced by the State Board of Health pursuant to this Act and to Chapter 244, Public Laws of 1937.

"G. S. 130-267.3. Cost of inspection paid by applicant for permit.—The entire cost of this inspection will be paid by the firm, person, or corporation making application for a permit. Funds will be paid into the county treasury of the county where said plant is located.

"G. S. 130-267.4. Rules and regulations enforced by county, city or district board of health.—Plants operating under this Act shall be supervised by the city, county or district board of health, which will be empowered by this Act to enforce the rules and regulations prepared by the State Board of Health, which board is hereby authorized to make and establish reasonable rules and regulations not inconsistent with the provisions of this Article after consulting with a committee from the processors coming under this Act.

"G. S. 130-267.5. Inspection supervised by veterinarian.—The inspection shall be under the supervision of a licensed veterinarian who shall be in the employ of the city, county or district board of health. The Veterinary Public Health Section of the State Board of Health shall exercise technical supervision over the inspecting veterinarian as to his inspection procedures, records and reports, and other aspects of poultry inspection.

"G. S. 130-267.6. Poultry products approved labeled with stamp.—Poultry products passed in accordance with this Act shall be labeled with a stamp bearing the number of the establishment and the words: 'Veterinary Inspected and Passed for Wholesomeness—N. C. State Board of Health'. All labels and stamps bearing the inspection stamp shall be kept in the custody of the veterinary inspector, unless said plant runs inspected poultry exclusively.

"G. S. 130-267.7. Establishments given official State number; revoca-

tion of permits.—Each establishment approved for inspection under the provisions of this Act will be issued a numbered permit which will be the establishment's official State number, and such number will be used to identify all inspected and passed poultry products. Such permits may be revoked by the State Board of Health at any time when the establishment violates any of the regulations prescribed for efficient inspection and sanitation, with the right of appeal from the order of the State Board of Health to the Superior Court."

Sec. 2. This Act shall apply to Wilkes County only; provided, however, that the board of county commissioners of any county may elect, operate under and be covered by the provisions of this Act, and upon the passage of a resolution by said board signifying such election, this Act shall apply to said county.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 980 CHAPTER 977

AN ACT CREATING "THE GOVERNOR RICHARD CASWELL MEMORIAL COMMISSION" AND AUTHORIZING THE SAID COMMISSION TO ACQUIRE THE BURIAL PLACE OF FORMER GOVERNOR RICHARD CASWELL AND TWENTY-TWO ACRES OF LAND ADJACENT THERETO TO BE ESTABLISHED AS A PERPETUAL MEMORIAL AND SHRINE, AND APPROPRIATING THE SUM OF FORTY-THREE THOUSAND DOLLARS ($43,000) TO ENABLE THE COMMISSION TO ACQUIRE SAID PROPERTY.

WHEREAS, all history bears witness that the genius and character of a people draw inspiration and strength from the perpetual remembrance of their greatest patriots, noblest heroes, and most distinguished citizens; and

WHEREAS, a large delegation of highly respected citizens of this State has recently brought to the attention of the General Assembly of North Carolina the desirability of preserving, protecting, and improving the Caswell Family Cemetery and adjoining premises located near the City of Kinston in the County of Lenoir as a perpetual memorial dedicated to the memory of the Honorable Richard Caswell whose life and public service to this State is worthy of the highest honor and example; for

BE IT REMEMBERED, that the said Richard Caswell, Esquire, was seven times called by the public to serve as Governor of this State, being first called to that high office upon the Declaration of the Independence of this State from the Crown and authority of Great Britain toward whom he, like his fellow North Carolinians, had borne true faith and loyalty until increasing tyranny of the said British authority rendered life un-

bearable under that administration and compelled North Carolinians to undertake the conquest of their freedom. For 35 years, except when he served in the office of Governor, Richard Caswell served in the General Assembly, where his leadership was acknowledged by his election to the Speakership of the House of Commons and later to the Presidency of the Senate over which body he was presiding when stricken with a fatal attack of apoplexy, his death being reported in the Senate Journal on November 6, 1789. More than any other individual, Richard Caswell inspired, fostered, and led the independence movement in this State, and more than any other North Carolina patriot he deserves the title of "Founding Father of the North Carolina Republic". He was chosen to lead the North Carolina delegation in the first Congresses of the United Colonies.

To his illustrious record of civilian accomplishments, he added a distinguished record of military service to the State and Nation. In 1754, he was serving as a Lieutenant of the Troop of Horse of Johnston County which, in the olden days, included lands now comprised in the Great Counties of Lenoir, Greene, Wayne, Johnston, Wake, Durham and Orange. When Dobbs County was formed from eastern Johnston in 1759, Richard Caswell became Colonel of the Militia of the new county and held that position until the Revolutionary Provincial Congress of North Carolina called him to serve as Colonel of the Minute Men of the New Bern District. Under orders of Royal Governor William Tryon, in 1771, he commanded a wing of the King's forces at the Battle of Alamance which suppressed the premature revolt of the Regulators. Here he learned both military and political lessons which prepared him for leadership in the growing movement toward freedom. In February 1776, he attained military distinction as the victorious commander of the North Carolina Minute Men at the Battle of Moore's Creek Bridge. His valorous conduct won him promotion to Brigadier General of the New Bern District, and he later became Major General of the Partisan Rangers of the Army of the Revolution.

As a master of public finance, he had few peers in all America. It was his genius which organized and supervised the State's financial structure in such a way as to withstand the severe strain of prosecuting the Revolution to a successful conclusion. He served the State as Treasurer and as Comptroller.

As a legislator, he created and sponsored numerous laws effecting internal improvements, judicial reforms, relief of the poor and the unfortunate, and other progressive programs. He was the principal author of the first Constitution of North Carolina which served the State as a contract of government for the first 59 years of its existence as a free State. He took the lead in promoting the ratification by North Carolina of the proposed Constitution of the United States, though he died a few days before ratification took place.

He was an able advocate of freedom in matters of religious faith. Though an Episcopalian himself, it is recorded that he readily aided the ministry of other Protestant denominations, often using his influence on behalf of the Baptists and Quakers, the chief groups oppressed by the

British authorities prior to the Revolution. He was an advocate of education and helped to write into the first Constitution of the State the provision for a public university, as well as giving his support to laws creating academies. He was an ardent Freemason and rose to the position of Grand Master of that ancient order on the same day that he was first chosen Governor of the free State.

Richard Caswell was born in Maryland, August 3, 1729. He came to North Carolina in the fall of 1746, when he was only 17 years old. He was the second son of Richard and Christian (Dallam) Caswell. His parents and his younger brothers and sisters followed him to his new home which was located near where the City of Kinston now stands. These younger brothers—Martin, Benjamin, and Samuel Caswell—all served with honor in the military forces of the State during the Revolution and held the highest public offices in Dobbs County. Martin and Samuel are buried in the Caswell Cemetery.

Richard Caswell's first wife was Mary McIllwean, daughter of James McIllwean. She bore him one child, a son known to fame as Brigadier General William Caswell, whose hardships suffered at Valley Forge and elsewhere during the Revolutionary campaigns led to his death at the early age of 30. General William Caswell is also buried in the Caswell Cemetery near Kinston as is his mother, Mary (McIllwean) Caswell.

After the death of his first wife, Richard Caswell married Sarah Heritage, a daughter of the distinguished Colonial lawyer, William Heritage, who owned the land upon which the City of Kinston was originally established. She, too, is buried in the Caswell Cemetery. She gave the State four sons and two daughters who were also esteemed among the early patriots of this State. Some of them also are buried in the Caswell Cemetery.

WHEREAS, the Caswell Cemetery, located on lands formerly owned by this greatest of North Carolina's Revolutionary patriots and being the final resting place of not one but several persons of high distinction in the history of North Carolina, is an important historical site such as by right and public gratitude ought to be preserved, protected, cherished and beautified as a public memorial and shrine; and

WHEREAS, it appears that the said Caswell Cemetery and adjoining lands are now by an option held temporarily available for purchase by the State but are likely to be not much longer available because, by virtue of their favorable location and great adaptability to industrial development, they are in danger of being sold otherwise and converted to such purposes as will render their appropriation by the public in later years unfeasible; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is created the Governor Richard Caswell Memorial Commission to be composed of 20 members, of whom—the Director of the State Department of Archives and History, the State Superintendent of Public Instruction, the Mayor of the City of Kinston, and the Chairman of the Board of County Commissioners of Lenoir County—shall serve as

ex officio members and 16 of whom shall be appointed by the Governor. Four appointive members shall be named for a term of two years, four for a term of four years, four for a term of six years, and four for a term of eight years, who shall hold membership on said commission for the term specified and until their successors are appointed and qualified; provided, that upon expiration of the first term to which an appointment is made each term shall thereafter be for a period of eight years and any vacancy occurring shall be filled by the Governor for the unexpired term of the person whose vacancy is to be filled.

Sec. 2. The commission is authorized and empowered to receive property, both real and personal, by gift, devise, bequest, or otherwise and to solicit funds for the purpose of establishing, developing and maintaining said memorial. The governing bodies of the counties and municipalities of the State are hereby authorized to appropriate any surplus funds, not derived from ad valorem taxation, to said commission for the purposes of developing and maintaining the memorial herein authorized. The commission may organize such groups or units as in its discretion may be helpful in raising funds through organizations, societies, and clubs throughout the State for the purpose of developing and maintaining the said memorial.

Sec. 3. There is appropriated out the General Fund of the State of North Carolina the sum of twenty-five thousand dollars ($25,000) for the purpose of acquiring in the name of the State the title in fee simple absolute to 22 acres of land surrounding that certain half-acre parcel of land which was reserved forever by the last will and testament of Governor Richard Caswell as a family cemetery, being known as the Caswell Cemetery, located in Lenoir County to the West of the City of Kinston. The said 22 acres of land and the half acre of the said cemetery, as well, shall, following the purchase of the said premises, be and remain forever under the control and management of the said commissioners and their successors in office who are hereby charged with the care, maintenance, and development of the premises as a perpetual memorial and shrine to the end that the said premises shall be preserved, protected, improved and rendered of inspirational and educational value to the public forever.

Sec. 4. Members of the commission shall be deemed Commissioners of Public Charities within the meaning of the proviso to Article XIV, Section 7, of the Constitution of North Carolina.

Sec. 5. This Act shall be of full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1025 CHAPTER 978

AN ACT TO ALLOW FOR A REDUCTION IN THE VOLUMES OF SESSION LAWS PRINTED AND AN INCREASE IN THE SALE PRICE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-43.3 is hereby amended by rewriting the Section to read as follows:

"G. S. 147-43.3. Number to be Printed.—There shall not be printed more than twenty-five hundred (2500) volumes of Session Laws, which are to be half bound; six hundred (600) volumes of House Journals and six hundred (600) volumes of Senate Journals of each Session of the General Assembly."

Sec. 2. G. S. 147-48 is hereby amended by rewriting the first paragraph to read as follows:

"Such laws and journals as may be printed in excess of the number directed to be distributed, the Secretary of State may sell at such price as he deems reasonable, not exceeding ten per centum (10%) over the costs for half-bound copies of the Session Laws; and not exceeding ten per centum (10%) in advance of the costs for copies of the journals."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1030 CHAPTER 979

AN ACT PROVIDING THAT FUNDS RECEIVED FROM THE UNITED STATES GOVERNMENT ON ACCOUNT OF THE LEASING OF LANDS ACQUIRED FOR FLOOD CONTROL, NAVIGATION, AND ALLIED PURPOSES, SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTIES ENTITLED THERETO.

WHEREAS, the Act of Congress enacted on August 18th 1941 and now codified as Section 701c-3, Title 33, United States Code Annotated, provides that seventy-five per cent (75%) of all moneys received and deposited in the Treasury of the United States during any fiscal year on account of the leasing of lands acquired by the United States for flood control, navigation and allied purposes, including the development of hydroelectric power, shall be paid at the end of such year by the Secretary of the Treasury to the state in which such property is situated to be expended as the State Legislature may prescribe for the benefit of the public schools, public roads or for defraying any of the expenses of county government in the counties in which such property is situated; and

WHEREAS, the Treasurer of the State of North Carolina has received from the Treasury of the United States certain funds under said Act of Congress, payable to the Counties of Granville, Vance and Warren for such purposes, consistent with said Act of Congress, as the General Assembly of North Carolina shall prescribe: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of the State of North Carolina be and he is hereby authorized and directed to pay into the general fund of the Counties of Granville, Vance and Warren such funds as he now has on hand by virtue of the provisions of the Act of Congress, referred to in the

preamble to this Act, and in the proportions to which each county is entitled to receive the same under said Act of Congress. The State Treasurer is further authorized and directed to pay out such funds as he shall receive in the future from said source to the general fund of each of said counties in the proportion to which each county is entitled to receive the same under said Act of Congress.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1048 CHAPTER 980

AN ACT TO EFFECT A REDUCTION IN THE PUBLICATION OF THE BIENNIAL REPORT FROM THE DIRECTOR OF THE DEPARTMENT OF TAX RESEARCH.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-456 is hereby amended by rewriting the Section to read as follows:

"G. S. 105-456. Biennial Report.—The Director of the Department of Tax Research shall make a biennial report, combined with the biennial report of the State Board of Assessment, which shall include recommendations and a digest of the most important factual statistics of State and local taxation."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1049 CHAPTER 981

AN ACT TO REDUCE THE NUMBER OF PRINTED REPORTS OF THE UTILITIES COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-6 is hereby amended by striking out the words "one thousand" in line four after the word "have" and before the word "copies" and substituting therefor the words "two hundred".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1050 **CHAPTER 982**

AN ACT TO AMEND G. S. 108-6 RELATING TO BIENNIAL REPORTS OF THE STATE BOARD OF WELFARE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 108-6 is hereby amended by striking out the words "which shall be printed" after the word "pertinent" and before the word "and" in line five.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1051 **CHAPTER 983**

AN ACT TO AMEND G. S. 143-168 RELATING TO REPORTS AND PUBLICATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-168 is hereby amended by striking out the word "shall" immediately preceding the word "be" and immediately following the word "results" in line six and substituting therefor the word "may".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1053 **CHAPTER 984**

AN ACT TO REPEAL G. S. 143-162 RELATING TO THE PREPARATION, PRINTING AND MAILING OF BIENNIAL REPORTS OF STATE INSTITUTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-162 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1054 CHAPTER 985

AN ACT TO AMEND G. S. 125-22 RELATING TO THE PUBLISHING OF A BIENNIAL REPORT BY THE LIBRARY COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 125-22 is hereby amended by deleting the last sentence.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1055 CHAPTER 986

AN ACT TO REPEAL G. S. 143-170 RELATING TO THE BIENNIAL PRINTING OR PUBLISHING OF DEPARTMENTAL REPORTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-170 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1056 CHAPTER 987

AN ACT TO REPEAL G. S. 147-46 RELATING TO THE FURNISHING OF INSTITUTIONS OF LEARNING WITH PUBLICATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-46 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1057 CHAPTER 988

AN ACT TO REPEAL G. S. 116-64 WHICH REQUIRES THE TRUSTEES OF EAST CAROLINA COLLEGE TO SUBMIT A BIENNIAL REPORT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 116-64 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1058 CHAPTER 989

AN ACT TO AMEND G. S. 147-45 BY AUTHORIZING THE GOVERNOR TO DELETE CERTAIN GOVERNMENT OFFICIALS, DEPARTMENTS, AGENCIES AND EDUCATIONAL INSTITUTIONS FROM THE LIST OF THOSE RECEIVING PUBLICATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-45 is hereby amended by adding the following paragraph to the end thereof:

"The Governor may delete from the above list, in his discretion, any government official, department, agency or educational institution."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1059 CHAPTER 990

AN ACT TO REDUCE THE NUMBER OF STATE PUBLICATIONS DISTRIBUTED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-45 is hereby amended to delete from the enumeration of departments, agencies and institutions which receive Session Laws, House and Senate Journals, and Supreme Court Reports the following county agencies: Sheriffs of the counties, registrars of deeds of the counties, and chairmen of the boards of county commissioners.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1065 CHAPTER 991

AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO TRANSFER CERTAIN PERMANENT IMPROVEMENT FUNDS OF THE AGRICULTURAL AND TECHNICAL COLLEGE TO BE USED FOR PURPOSES OTHER THAN THE PURCHASE OF LAND.

WHEREAS, funds realized from the sale of property at the Agricultural and Technical College were deposited and budgeted in the Permanent

Improvement Fund of 1947 for the purpose of acquiring additional land; and

WHEREAS, additional land has been acquired and there remains the sum of seventy-five thousand four hundred nineteen dollars and thirteen cents ($75,419.13) which is needed for other purposes; and

WHEREAS, the sum of ninety thousand dollars ($90,000.00) was appropriated by Chapter 1149 of the Session Laws of 1953 for the purpose of an addition to and the completion of a R. O. T. C. Administration Building, which sum is not sufficient to provide for the needed facilities for which this appropriation was made; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Director of the Budget is authorized to transfer from the Permanent Improvement Fund of 1947 sufficient sums as may be determined necessary to supplement the appropriation of ninety thousand dollars ($90,000.00) made under the provisions of Chapter 1149 of the Session Laws of 1953 to the Agricultural and Technical College for the purpose of providing for an addition to and the completion of a R. O. T. C. Administration Building at said college. Such amount as may thereafter remain in the Permanent Improvement Fund of 1947 for the purchase of land may, upon resolution of the board of trustees with the approval of the Director of the Budget, be transferred for other purposes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1074 CHAPTER 992

AN ACT TO AMEND HOUSE BILL 888, RATIFIED APRIL 15, 1955.

The General Assembly of North Carolina do enact:

Section 1. House Bill 888 ratified April 15, 1955 is hereby amended by deleting from line 14 of Section 3 of the ratified Act the word "highest" and substituting in lieu thereof the words "lowest responsible".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1081 **CHAPTER 993**

AN ACT TO PROVIDE FOR THE HOLDING OF TAX LIEN SALES ON THE TUESDAY FOLLOWING A MONDAY WHEN SAID MONDAY IS A LEGAL HOLIDAY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 105-387 is hereby amended by striking out the period at the end of said paragraph, inserting a semicolon in lieu thereof, and adding the following words: "Provided further, any sale herein provided for may be held on the Tuesday following the Monday herein provided for when said Monday is a legal holiday."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1083 **CHAPTER 994**

AN ACT TO REGULATE THE SPEED OF MOTOR BOATS AND OTHER CRAFT ON THE WATERS OF LAKE SUMMIT IN HENDERSON COUNTY AND ALSO TO PRESCRIBE RULES AND REGULATIONS PERTAINING TO SWIMMING, FISHING, AND SANITATION.

The General Assembly of North Carolina do enact:

Section 1. No motorboat shall be operated on Lake Summit in Henderson County within 50 feet of any swimmer, shore installation, raft, boathouse, platform, bathing beach or cove at a greater rate of speed than five miles per hour; nor shall any such craft be operated within more than 50 feet and less than 100 feet from any of the above mentioned objects at a greater rate of speed than 20 miles per hour; nor shall any motorboat be operated at a greater speed than 40 miles per hour on any other portion of said lake; and no such boat shall park less than 50 feet of any installation without the owner's permission.

Sec. 2. From one hour after sunset until 8:00 a. m. motorboats shall be operated only at idling speeds, and no siren or any mechanical noisemaker shall be sounded within such time, except in cases of emergency. The operators of such boats shall exercise due care and caution not to annoy, disturb or inconvenience the people residing along the lake, and so as not to endanger the life or property of any person.

Sec. 3. No motorboat shall be operated without stock noise-muffling equipment, nor after dark without a light visible from all directions and no search lights shall be played or reflected above the level of the lake surface.

Sec. 4. Between the hours of 10:00 a.m. and 12:15 p.m. on Sunday, motorboats shall be operated quietly and cautiously and only at idling speeds so as not to disturb or interfere with church services or other religious gatherings.

Sec. 5. Persons riding aquaplanes or water skis shall at all times exercise due care and caution so as not to endanger the life or limb of any person and no towing lines shall ever be passed over any swimmer or boat.

Sec. 6. Non-motor craft may be operated on the waters of said lake in a careful and prudent manner and all persons operating such craft shall at all times manifest a proper regard for the property and privacy of others. No person, however, shall operate such craft within 50 feet of a shore installation without first having obtained the consent of the abutting property owner.

Sec. 7. People who are permitted under the law of the State of North Carolina to fish in Lake Summit shall conduct themselves in a lawful manner and shall be extremely cautious to avoid setting out fire, litter-making and other objectionable practices along the lake. People who do shore fishing must have the express permission of the abutting property owner or owners.

Sec. 8. People who use the lake for swimming purposes shall conduct themselves in a proper and lawful manner and shall not by improper conduct violate any of the provisions of this Act.

Sec. 9. No person shall dump any trash or garbage in or near the lake nor do any other act that will tend to create an unsanitary condition on or about the lake; and no firearms or fireworks shall be discharged over the lake.

Sec. 10. All persons who are permitted to enjoy the privileges of the lake shall demean and conduct themselves in a proper manner and shall not be guilty of any loud, boisterous or disturbing conduct on or about the lake.

Sec. 11. Any person who shall wilfully and unlawfully violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding 30 days.

Sec. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1128 CHAPTER 995

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HERTFORD COUNTY TO MAKE A DONATION TO THE HERTFORD-NORTHAMPTON AGRICULTURAL ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. The County Commissioners of Hertford County are hereby authorized in their discretion to donate five hundred dollars ($500.00) to the Hertford-Northampton Agricultural Association for the construction of a livestock arena.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1137 CHAPTER 996

AN ACT TO AMEND G. S. 90-124, RELATING TO THE DISCIPLINE, SUSPENSION, REVOCATION, AND REGRANT OF CERTIFICATE OR LICENSE TO PRACTICE OPTOMETRY.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 90-124 by striking out the said Section and inserting in lieu thereof the following:

"90-124. Discipline, suspension, revocation and regrant of certificate. —The Board shall have the power to make, adopt, and promulgate such rules, regulations and ethics as may be necessary and proper for the regulation of the practice of the profession of optometry, and for the performance of its duties. The Board shall have jurisdiction and power to hear and determine all complaints, allegations, charges of malpractice, corrupt or unprofessional conduct, and of the violation of the rules, regulations and ethics made against any optometrist licensed to practice in North Carolina; may administer the punishment of private reprimand, suspension from the practice of optometry for a period not exceeding twelve months and revocation of license as the case shall in their judgment warrant for violation of the rules, regulations and ethics made, adopted and promulgated by the Board and also any of the following causes:

1. Commission of a criminal offense showing professional unfitness;
2. Habitual drunkenness;
3. Gross incompetence;
4. Being afflicted with a contagious or infectious disease;
5. Conduct involving wilful deceit;
6. Conduct involving fraud or any other conduct involving moral turpitude;
7. Advertising the 'free examination of the eyes', 'free consultation', 'consultation without obligation', 'free advice' or any other words or phrases of similar import which convey or are calculated to convey the impression to the public that the eyes are examined free.
8. Advertising of a character or nature tending to deceive or mislead the public, or in the nature of 'bait advertising', or advertising declared to be unethical by the Board and as prescribed in the Code of Ethics promulgated and established by the North Carolina State Board of Examiners in Optometry.
9. Use of advertising, directly or indirectly, whether printed, radio, display, or of any other nature which seeks or solicits practice on any installment payment plan;

10. House to house canvassing or peddling directly or through any agent or employee for the purpose of selling, fitting, or supplying frames, mounting, lenses, or other ophthalmic products.

Board action in revoking a certificate of registration shall be in accordance with the provisions of Chapter 150 of the General Statutes. Any person whose certificate has been revoked for any of the grounds or reasons herein set forth, or on account of nonpayment of dues, may, after the expiration of ninety days, and within two years, apply to the Board to have same regranted, and upon a showing satisfactory to the said Board, and at the discretion of the Board, license to practice optometry may be restored to such person."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1145 CHAPTER 997

AN ACT TO REPEAL CHAPTER 954 OF THE SESSION LAWS OF 1951 RELATING TO THE COMPENSATION OF SCHOOL BUS DRIVERS IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 954 of the Session Laws of 1951 is repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1154 CHAPTER 998

AN ACT APPOINTING A. W. KELLEY, A MEMBER OF THE BOARD OF EDUCATION OF CABARRUS COUNTY TO FILL THE UNEXPIRED TERM OF H. B. ROBERTSON.

WHEREAS, H. B. Robertson, who was appointed a member of the Board of Education of Cabarrus County for a term of six years by Chapter 1117, Session Laws of 1951, has resigned, thus creating a vacancy on said board for the term ending April 1st 1957: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That A. W. Kelley be and he is hereby appointed a member of the Board of Education of Cabarrus County for the unexpired term of H. B. Robertson, resigned, said unexpired term to end on April 1st 1957.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1162 CHAPTER 999

AN ACT TO AMEND THE LAW REGULATING THE TRANSPORTATION OF WHISKEY LEGALLY ACQUIRED IN ANOTHER STATE AND TRANSPORTED INTO NORTH CAROLINA SO AS TO PROHIBIT THE TRANSPORTATION OF SAME FOR SALE OR THE TRANSPORTATION OF SAME WITH SEAL OR CAP ON CONTAINER OPEN OR BROKEN.

WHEREAS, G. S. 1849 provides for the purchase of legal alcoholic beverages not in excess of one gallon from a legally established whiskey store operated under a board of alcoholic control, and said Statute further provides that the same may be transported through or into another county not under the provisions of the Alcoholic Beverage Control Act, provided that said alcoholic beverages are not being transported for the purpose of sale, and provided, further, that the cap or seal on the container or containers of said alcoholic beverages has not been opened or broken; and

WHEREAS, it is provided by G. S. 18-58 that a person may legally purchase outside this State and bring into this State for his own personal use not more than one gallon of such legally purchased alcoholic beverage, but there has not been provided any regulation or prohibition in this Statute to the effect that the cap or seal on the container must not be open or broken, and it is desirable that these two Statutes should be in conformity, and there is no logical reason why the regulation as to the opening or breaking of the cap or seal should exist in one Statute and not exist in the other: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 18-58 of Volume 1C of the General Statutes by striking out the period appearing after the word "beverage" in the fifth line of said Section and by inserting in lieu of said period a colon, and immediately after said colon the following: "Provided, that the cap or seal on the container or containers of said alcoholic beverages has not been opened or broken."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1172 CHAPTER 1000

AN ACT TO AMEND CHAPTER 851 OF THE SESSION LAWS OF 1953 RELATING TO THE FEES OF THE CLERK OF THE SUPERIOR COURT OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 851 of the Session Laws of 1953 is amended by adding the following proviso thereto: "The Clerk of the Superior Court of Surry County shall not charge in excess of fifty dollars ($50.00) for auditing and recording final accounts of receivers, collectors, executors, guardians, administrators, administrators with the will annexed, trustees for incompetents, trustees under wills, trustees in foreclosing mortgages and deeds of trust, surviving partners and collectors."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1179 CHAPTER 1001

AN ACT TO PERMIT THE CLERK OR DEPUTY CLERKS OF THE GENERAL COUNTY COURT OF BUNCOMBE COUNTY TO ISSUE WARRANTS RETURNABLE TO THE BUNCOMBE COUNTY DOMESTIC RELATIONS COURT.

The General Assembly of North Carolina do enact:

Section 1. The Clerk or Deputy Clerks of the General County Court of Buncombe County, upon application and the making of proper affidavit as provided by law, shall have power and authority to issue any criminal warrant or warrants in criminal cases over which the Buncombe County Domestic Relations Court has trial jurisdiction and make the same returnable before the Judge of the said Buncombe County Domestic Relations Court at any time or times designated for the trial of criminal cases in such court.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1185 CHAPTER 1002

AN ACT REQUIRING A LICENSE FROM THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY AS A CONDITION PRECEDENT TO THE OPERATION OF AIRPORTS, AIRSTRIPS OR LANDING FIELDS FOR AIRCRAFT IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. No airport, airstrip or other type of landing field for aircraft shall be operated or maintained in Cumberland County without the approval of and the issuance of a license by the Board of Commissioners of Cumberland County. Such approval shall not be given in the event the Veterans Administration or Federal Housing Administration shall find as a fact that the operation of such airport, airstrip or landing field is hazardous to adjoining, surrounding or nearby residential property. Before an application for the operation of such airport, airstrip or landing field is acted upon by the board of county commissioners, said board shall afford to all applicants for such permits a full and fair public hearing.

Sec. 2. Each day of operation of such airport, airstrip or landing field, without such license issued by the board of county commissioners, shall constitute a misdemeanor punishable in the discretion of the court.

Sec. 3. The provisions of this Act shall not apply to military airfields or to airfields now used by regularly scheduled airlines.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1186 CHAPTER 1003

AN ACT RELATING TO THE NOMINATION OF MEMBERS OF THE BOARD OF EDUCATION OF ROBESON COUNTY AND FIXING THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. At the primary election to be held in Robeson County in the year 1956, the three candidates for membership on the board of education of said county receiving the highest number of votes shall be nominated for terms of four years each. The two candidates for membership on said board receiving the next highest number of votes shall be nominated for terms of two years each. The successors to the members of said board nominated in the year 1956 shall be nominated for terms of four years each, and after the expiration of the terms of each of said members, the terms of all members of the Board of Education of Robeson County shall be four years.

Sec. 2. This Act shall apply to Robeson County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1197 CHAPTER 1004

AN ACT TO AMEND CHAPTER 340 OF THE SESSION LAWS OF 1953 RELATING TO THE SALARY OF THE JUDGE OF THE RECORDER'S COURT OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 340 of the Session Laws of 1953 is hereby amended by striking out in line four of said Section the figures "$2400.00", and by inserting in lieu thereof the figures "$2800.00".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1200 CHAPTER 1005

AN ACT AMENDING CHAPTER 97, PRIVATE LAWS OF 1933, RELATING TO THE MAYOR'S COURT OF THE TOWN OF HAZELWOOD IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 97, Private Laws of 1933, be and the same is hereby rewritten to read as follows:

"Sec. 2. The costs in said Mayor's Court shall be the same and shall be taxed and allowed as provided for municipal recorders' courts by G. S. 7-196 and G. S. 7-206, and said Mayor shall have the same authority with respect to continuances, recognizances, and transcripts as is granted to such recorders' courts by G. S. 7-205. All costs and fees collected by said court, except fees due the Mayor for his services, shall be paid into the General Fund of said town. The Mayor of the Town of Hazelwood shall file monthly with the County Accountant of Haywood County a detailed monthly report of all fines and forfeitures collected by said Mayor's Court, and shall furnish the Board of Education of Haywood County a copy of said report."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1204 **CHAPTER 1006**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LENOIR COUNTY AND THE BOARD OF ALDERMEN OF THE CITY OF KINSTON TO APPROPRIATE AND CONTRIBUTE FUNDS FOR THE ACQUISITION OF LAND TO BE CONVEYED TO THE GOVERNOR RICHARD CASWELL MEMORIAL COMMISSION, A STATE AGENCY, TO CONVEY LAND TO SAID AGENCY, AND TO AUTHORIZE SAID COUNTY AND CITY TO ASSIGN, TRANSFER OR OTHERWISE MAKE AVAILABLE TO SAID AGENCY LANDS WHICH SAID COUNTY AND CITY HOLD UNDER OPTION.

WHEREAS, the acquisition of a tract of land containing 22 acres located on U. S. Highway 70, which land embraces the grave sites of Richard Caswell, the first Governor of North Carolina, and members of his family, for the purpose of establishing and maintaining a State Park as a memorial to Richard Caswell and as a site of historic interest to all citizens of North Carolina, will be beneficial to the people of North Carolina and to the people of the City of Kinston and the County of Lenoir; and

WHEREAS, the County of Lenoir and the City of Kinston now hold an option to purchase said tract of land at the price of forty-three thousand dollars ($43,000.00), which is less than its market value for commercial purposes, which option expires on May 10, 1955; and

WHEREAS, there is now pending in the 1955 Session of the General Assembly of North Carolina legislation to create a suitable State agency to acquire and hold said land for the benefit of the people of the State and to appropriate money for the acquisition of said site for said purposes; and

WHEREAS, the County of Lenoir and the City of Kinston desire to participate in the acquisition of said property by contributing a part of the purchase price thereof and desire to join the State of North Carolina and private citizens in providing the purchase price for said land; and

WHEREAS, if the people of North Carolina are to acquire said site the option held by said County of Lenoir and City of Kinston must be exercised on or before May 10, 1955, and the purchase price for said land paid in accordance with the terms of said option: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That Lenoir County and the City of Kinston, through their respective governing boards and the proper county and city officials, are each hereby authorized and empowered to contribute such sum or sums of money derived from sources other than from ad valorem taxes, as in their discretion they may deem appropriate and for the benefit of the people and the State of North Carolina, to be applied on the purchase price of 22 acres of land located on the South side of U. S. Highway No. 70 embracing the grave sites of Richard Caswell, the first Governor of North Carolina, and members of his family, said funds to be used with funds

raised by private subscription and funds appropriated by the State of North Carolina, if any, at the 1955 Session of the General Assembly of North Carolina, in payment of the purchase price of said land on which the said county and city now hold an option to purchase at the price of forty-three thousand dollars ($43,000.00), which option expires May 10, 1955.

Sec. 2. That the said County of Lenoir and City of Kinston, acting through their respective governing boards and proper officials, are hereby further authorized and empowered to transfer and assign to any State agency created for the acquisition of said 22 acres of land embracing the grave site of said former Governor Richard Caswell, all the right, title, interest and estate of said county and city in and to any option or options held by them upon said land and to exercise such option or options, and, more particularly, an option which expires May 10, 1955, as the same may be extended, by directing that deed to said land be executed and delivered to such State agency as may be created to hold title to same for the purpose of establishing a State Park or other memorial to the memory of Richard Caswell.

Sec. 3. Said Lenoir County and City of Kinston, acting through their respective governing boards and proper officials, are authorized to convey all or any part of said 22 acres of land, or any interest therein, to such State agency as may be created to hold title thereto as herein contemplated in the event a deed or deeds for any portion of said land or interest therein may be conveyed to the said County of Lenoir or City of Kinston, or both of them, and such conveyance or conveyances are hereby authorized to be made without monetary consideration if in the discretion of the governing boards of the said Lenoir County, City of Kinston, or either or both of them, such action shall be deemed advisable.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1217 CHAPTER 1007

AN ACT TO AMEND G. S. 7-186 RELATING TO THE SALARY OF THE JUDGE OF THE RECORDER'S COURT OF THE TOWN OF WENDELL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-186 is amended by adding at the end thereof the following:

"The Board of Commissioners of the Town of Wendell is authorized to increase or decrease the salary of the Judge of the Recorder's Court of said town at any time during his term of office."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1218 CHAPTER 1008

AN ACT TO AMEND CHAPTER 225 OF THE SESSION LAWS OF 1949, CHAPTER 717 OF THE SESSION LAWS OF 1951, AND CHAPTER 435 OF THE SESSION LAWS OF 1953, RELATING TO SCHOOL BUILDING CONSTRUCTION IN FRANKLIN COUNTY SO AS TO MAKE THE PROVISIONS OF SAID ACT EXTEND UNTIL JULY 1, 1957.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 225 of the Session Laws of 1949, as amended, is hereby further amended by striking out in Section 2 the words and figures "July 1, 1955" and by inserting in lieu thereof the words and figures "July 1, 1957".

Sec. 2. This Act shall apply only to Franklin County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1227 CHAPTER 1009

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A UNIFIED PARKING SYSTEM BY THE GOVERNING BODY OF THE CITY OF WILMINGTON IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Because the greatly increased volume of traffic and the physical limitations of on-street parking facilities has caused serious traffic congestion in the business area of the City of Wilmington and in order to protect the lives and property of the general public from consequent loss and damage, the governing body of said city, in the exercise of the police power and as a necessary governmental function, is hereby authorized and empowered to establish by ordinance in the manner hereinafter provided, a unified parking system, which system shall include both on-street and off-street parking facilities as essential and integral parts thereof, and the criminal processes of the State available for the better enforcement of the criminal law and police regulations shall apply with equal force and effect to the regulations adopted and applying to the whole and each part of such unified parking system.

Sec. 2. The governing body of said city shall make or cause to be made a traffic engineering survey in order to obtain expert advice and

recommendations as to the steps and procedures to be taken so as to provide a unified parking system which will be most effective in solving the serious problem of traffic congestion, thereupon, the governing body shall conduct a hearing upon the question of adoption of an ordinance establishing a unified parking system, including on-street and off-street parking facilities as essential and integral parts thereof. The governing body shall give notice of such hearing by publication in a newspaper of general circulation in the city, such notice to be published at least twice and the first publication thereof shall be made at least ten days prior to the date set therein for said hearing.

Sec. 3. If the governing body of the City of Wilmington is of the opinion, based upon the results of the traffic engineering survey and upon facts found at the hearing hereinabove provided for, that existing conditions resulting from traffic congestion constitute a present danger to the lives and property of the general public, threaten irreparable loss in property values and impede effective operation of fire fighting apparatus and equipment, then, and in such event, said governing body may adopt an ordinance as authorized in Section 1 hereof, declaring therein its findings of fact and establishing a unified parking system.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1228 CHAPTER 1010

AN ACT TO CLARIFY AND CONFIRM THE TITLE OF CERTAIN RECLAIMED LANDS AT THE TOWN OF WRIGHTSVILLE BEACH.

The General Assembly of North Carolina do enact:

Section 1. The title to all lands formerly lying between the high water mark and the low water mark of navigable salt water sounds at the Town of Wrightsville Beach where said lands have heretofore been reclaimed by or for the benefit of the riparian owners is hereby declared to be and exist in said riparian owners or their successors in title, subject to any restrictions, conditions and reservations heretofore imposed by the State of North Carolina by deed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

H. B. 1229 **CHAPTER 1011**

AN ACT TO AMEND HOUSE BILL NO. 904, RATIFIED ON APRIL 21, 1955, RELATING TO THE RECORDING OF MAPS AND PLATS IN THE OFFICE OF THE REGISTER OF DEEDS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. House Bill No. 904, ratified on April 21, 1955, is hereby amended by striking out the words and figures "18 by 24 inches" in Section 1 thereof and by inserting in lieu thereof the words and figures "21 by 30 inches", and by adding a new Section immediately following Section 1 and immediately preceding Section 2, to be designated Section 1½ and to read as follows:

"Sec. 1½. From and after the 30th day of June, 1955, all maps or plats presented for recording in the map books or plat books in the office of the Register of Deeds of New Hanover County shall consist of one original tracing, ink on linen cloth, and one linen print made from said tracing."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

S. B. 64 **CHAPTER 1012**

AN ACT TO PERMIT THE APPOINTMENT OF MORE THAN ONE PROPERTY TAX LIST TAKER PER TOWNSHIP AND TO PROVIDE FOR THE PLACES FOR THE LISTING OF PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. Section 105-287 of the General Statutes, as amended in 1953, is amended by striking out the first two sentences thereof and by inserting in lieu thereof the following:

"Subject to the approval of the county commissioners, the supervisor, on or before the second Monday preceding the date as of which property is to be assessed, shall appoint some competent person to act as list taker and assessor in each township. With the approval of the commissioners the supervisor may appoint more than one such person for any township. If more than one list taker is appointed for a township, the supervisor, with the approval of the county commissioners, shall have power to allocate responsibility for tax listing and assessment between or among the list takers for that township as he deems most effective."

Sec. 2. Subsection (1) of Section 105-302 of the General Statutes, as amended in 1951, is stricken out and the following substituted therefor:

"(1) Except as otherwise provided in this Section, all tangible personal property and polls shall be listed in the township in which the owner

thereof has his residence. For purposes of this Section the residence of a person who has two or more places in which he occasionally dwells shall be the place at which he resided for the longest period of time during the year preceding the date as of which property is assessed; provided, that household and kitchen furniture and other tangible personal property kept or used in connection with any temporary or seasonal residence, either owned or leased by the owner of such personal property, shall be listed in the township in which such temporary or seasonal residence is located, and all such property kept or used in connection with any rental real estate shall be listed in the township where such rental real estate is located. The residence of a corporation, partnership or unincorporated association, domestic or foreign, shall be the place of its principal office in this State, and if a corporation, partnership or unincorporated association has no principal office in this State, its tangible personal property may be listed at any place at which said property is situated provided said property has a taxable situs within the State."

Sec. 3. Subsection (4) of Section 105-302 of the General Statutes is stricken out and the following substituted therefor:

"(4) Subject to the provisions of subsection (2) of this Section, tangible personal property shall be listed in the township in which such property is situated, rather than in the township in which the owner resides, if the owner or person having control thereof hires or occupies a store, mill, dockyard, piling ground, place for the sale of property, shop, office, mine, farm, place for storage, manufactory or warehouse therein for use in connection with such property. Property stored in public warehouses and merchandise in the possession of a consignee or broker shall be regarded as falling within the provisions of this subsection. When tangible personal property, which may be used by the public generally or which is used to sell or vend merchandise to the public, is placed at or on a location outside of the township in which the owner or lessor has his residence, such tangible personal property shall be listed for taxation in the township where located."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 224 CHAPTER 1013

AN ACT AMENDING G. S. 65-3 SO AS TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS OF THE SEVERAL COUNTIES OF THE STATE TO CONDEMN LANDS ADJOINING CEMETERIES FOR ADDITIONAL CEMETERY PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 65-3 be and the same is hereby amended by adding at the end thereof the following:

"Provided that in cases in which cemeteries operated by churches or other religious organizations have become so crowded that there is no longer available space for burial purposes in said cemeteries and in which such churches or other organizations are unable to agree with the owners of adjoining lands for the purchase of the same, the board of county commissioners of the county in which such lands are located is hereby authorized and empowered to condemn for cemetery purposes a reasonable amount of land adjoining such cemetery in order to provide adequate burial space for the people of the community. The procedure to be followed in such condemnation proceeding shall be as set out in Article 2, Chapter 40 of the General Statutes; and the board of commissioners is hereby authorized to appropriate from the general fund of the county whatever sums may be necessary for said purpose."

Sec. 2. This Act shall not apply to the following counties: Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Union, Vance, Wake, Warren, Washington, Watauga, Wayne, Wilkes, Wilson, Yadkin, Yancey.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 263 CHAPTER 1014

AN ACT TO PROHIBIT THE DISCHARGE OF RAW SEWERAGE, INDUSTRIAL WASTE AND OTHER NOXIOUS AND DELETERIOUS SUBSTANCES INTO THE WATERS OF TAR AND PAMLICO RIVER OR ITS TRIBUTARIES WHICH SHALL RENDER SAID WATERS HARMFUL TO THE PUBLIC HEALTH AND FISH LIFE.

The General Assembly of North Carolina do enact:

Section 1. The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this Act:

"Establishment" shall be construed to include any industrial establishment, mill, factory, tannery, paper or pulp mill, garage, oil refinery,

oil storage tanks of all kinds, boat, vessel, mine, quarry and every other industry or plant or works from which industrial wastes are produced.

"Industrial Waste" shall be construed to mean any liquid, gaseous, or solid substance, not sewerage, resulting from any manufacturing or industry, or from any establishment as herein defined, which causes pollution as hereinafter defined, and silt, rock, debris, dirt and clay from any mine or quarry.

"Municipality" shall be construed to include any county, county authority, municipal authority, city, town, township, subdivision of government, instrumentality of government or authority of any governmental nature.

"Person" shall be construed to include any person, copartnership, association, business trust, limited partnership, or public service or private corporation.

"Pollution" as used in this Act shall be construed to mean noxious or deleterious substances, including sewage and industrial waste, rendering unclean the waters of the Tar-Pamlico River or its tributaries to the extent of making same unsatisfactory for the "best usage" indicated for said waters under the classification or classifications assigned thereto, or which results in the quality of such waters being in contravention of the "Water Quality Standards" established and assigned to such waters pursuant to Section 143-215 of Article 21 of the General Statutes of North Carolina.

"Sewerage" shall be construed to include any substance that contains any of the excrement, waste products or other discharge from the bodies of human beings.

Sec. 2. On or after January 1, 1962, the discharge of sewerage or industrial waste, as defined in this Act, or any other noxious or deleterious substances into the waters of the Tar-Pamlico River or its tributaries to such an extent that the waters become unsatisfactory for the "best usage" indicated for same under the classification or classifications assigned thereto by the "State Stream Sanitation Committee", or which results in the quality of such waters being in contravention to the "Water Quality Standards" assigned to such waters pursuant to Section 143-215, Article 21, of the General Statutes of North Carolina, is hereby declared not to be a reasonable use of such waters, to be against public policy and to be a public nuisance.

Sec. 3. On and after January 1, 1962, no person, municipality, or establishment shall place or permit to be placed or discharged or permit to flow or continue to discharge or permit to flow into any of the water of Tar and Pamlico River or its tributaries any raw or untreated sewerage as the word "sewerage" is defined in this Act.

Sec. 4. On and after January 1, 1962, no person, establishment or municipality, as defined in this Act, shall pollute the waters of Tar and Pamlico River or its tributaries according to the definition of "pollution" as defined in this Act, nor shall any person, municipality or establishment permit or engage in any acts which constitute pollution of said waters.

Sec. 5. On and after January 1, 1962, any person, establishment or municipality who shall engage in any acts of pollution, as defined herein with reference to Tar and Pamilco River or its tributaries, or who shall cause or permit, suffer or allow raw and untreated sewerage to run, seep, be discharged into, or otherwise placed in any manner in the waters of Tar and Pamlico River or its tributaries shall be guilty of a misdemeanor and each day on which any of the violations herein described continue shall be deemed to be a separate offense.

Sec. 6. Any person, establishment or municipality injured or damaged in any respect whatsoever by any of the offenses prohibited by this Act shall have the right to maintain a civil action for an injunction in the Superior Court for the abatement of any of the acts or nuisances herein described and for the recovery of any damages suffered by any municipality, person or establishment by reason of the doing of any of the acts prohibited by this Act, and the Superior Court is vested with jurisdiction to entertain and hear said causes of action according to the rules and procedure of said Court and to enter any and all lawful orders for the abatement of said nuisances as herein described and to grant adequate relief when the grievances complained of shall be established.

Sec. 7. This Act shall not be construed to prevent the State Stream Sanitation Committee from establishing and enforcing standards of quality upon the waters of Tar and Pamlico River and its tributaries under the provisions of Article 21 of Chapter 143 of the General Statutes of North Carolina nor shall this Act be construed as amending or repealing any part of such Article.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 302 CHAPTER 1015

AN ACT TO AMEND G. S. 14-54 RELATING TO BREAKING INTO OR ENTERING HOUSES OTHERWISE THAN BURGLARIOUSLY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-54 is hereby amended by adding at the end thereof the following:

"Where such breaking or entering shall be wrongfully done without intent to commit a felony or other infamous crime, he shall be guilty of a misdemeanor."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 356 **CHAPTER 1016**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF FOUR SPECIAL JUDGES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-54 is hereby rewritten to read as follows:

"§ 7-54. Special Judges.—The Governor of North Carolina may appoint four persons who shall possess the requirements and qualifications of special judges as prescribed by Article four, Section eleven, of the Constitution, and who shall take the same oath of office and otherwise be subject to the same requirements and disabilities as are or may be prescribed by law for Judges of the Superior Court, save the requirements of residence in a particular district, to be Special Judges of the Superior Court of the State of North Carolina. The Governor shall issue a commission to each of said judges so appointed whose term of office shall begin from his appointment and qualification and end June thirtieth of the year 1959, and the said commission shall constitute his authority to perform the duties of the office of a Special Judge of the Superior Court during the time named herein."

Sec. 2. G. S. 7-56 is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 414 **CHAPTER 1017**

AN ACT AMENDING CHAPTER 106 OF THE GENERAL STATUTES, PROVIDING FOR THE APPOINTMENT OF A STRUCTURAL PEST CONTROL COMMISSION AND PRESCRIBING ITS POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 106 of the General Statutes of North Carolina as contained in Volume 3A and the 1953 Supplement thereto be and the same is hereby amended by adding a new Article immediately following Article 4B thereof to be numbered Article 4C and reading as follows:

ARTICLE 4C

"G. S. 106-65.22. This Act shall be known by the title of 'Structural Pest Control Act of North Carolina of 1955'.

"G. S. 106-65.23. There is hereby created a Structural Pest Control Commission. The members of the commission created by this Act shall be selected and appointed by the Governor. It shall consist of five members who shall be composed of a representative of the Division of Entomology of the State Department of Agriculture, a representative from the Entomology Faculty of North Carolina State College, a repre-

sentative of the State Department of Agriculture, and two members of the pest control industry at large who are residents of the State of North Carolina, but not affiliates of the same company. The terms of all members of such board shall be three years, unless sooner terminated by the appointing authority, except that the initial board members shall be appointed, one for a term expiring July 1, 1956, two for a term expiring July 1, 1957, and two for a term expiring July 1, 1958. No member of the board who is a member of the pest control industry at large and who was appointed for a full three-year term shall succeed himself, nor shall both board members from the pest control industry be replaced the same year. This prohibition against succession does not apply to the representatives of the State Department of Agriculture nor the representative of the Entomology Faculty of North Carolina State College. If a vacancy occurs in said commission, another commissioner shall be appointed by the Governor to fill the unexpired term. The commission shall elect from its membership a chairman who shall be elected annually by members of the commission by a majority vote. Each member shall receive ten dollars ($10.00) per diem while actually attending to work of the commission and shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his duties. Three members of said commission shall constitute a quorum but no action at any meeting shall be taken without three votes in accord.

"G. S. 106-65.24. For the purposes of this Act, the following terms, when used in the Act or the rules and regulations, or orders made pursuant thereto shall be construed respectively to mean:

(1) 'Structural Pest Control' means the control of wood destroying organisms or household pest, including the identification of infestations or infections, the making of inspections, the use of pesticides including insecticides, repellents, rodenticides and fumigants, as well as all other substances, mechanical devices or structural modifications under whatever name known, for the purpose of preventing, controlling and eradicating insects, vermin, rodents and other pests in household structures, commercial buildings, and other structures, including outside areas, as well as all phases of fumigation, including treatment of products by vacuum fumigation, and the fumigation of railroad cars, trucks, ships and airplanes, or any one or any combination thereof.

(2) 'Commission' refers to the Structural Pest Control Commission created by this Act.

(3) 'Licensee', as used in this Act, shall mean the designated person in charge of the business establishment or business entity, whether it be individual, firm, partnership, corporation, association or any organization, or any combination thereof, engaged in pest control work covered under the provisions of this Act. Each branch office of a business establishment is to be in charge of a person who has a license herein provided for.

(4) The term 'Employee' as used in this Act, shall mean any person employed by a licensee with the exceptions of clerical, janitorial, or office maintenance employees, or those employees performing work completely

disassociated with the control of insect pests, rodents or the control of wood destroying organisms.

(5) The term 'Branch Office', as used in this Act, shall mean and include any place of doing business which has two or more employees engaged full time in the control of insect pests, rodents, or wood destroying organisms.

(6) 'Applicant' means any person in charge of any individual, firm, partnership, corporation, association, or any other organization or any combination thereof, making application for a license to engage in structural pest control, control of structural pests or household pests, or fumigation operations, or any person qualified under the terms of this Act.

(7) 'Fumigants' mean any substance which by itself or in combination with any other substance emits or liberates a gas or gases, fumes or vapors, and which gas or gases, fumes or vapors when liberated and when used will destroy vermin, rodents, insects, and other pests; but may be lethal, poisonous, noxious, or dangerous to human life.

(8) 'Insecticides' are substances, not fumigants, under whatever name known, used for the destruction or control of insects and similar pests.

(9) 'Rodenticides' are substances, not fumigants, under whatever name known, whether poisonous or otherwise, used for the destruction or control of rodents.

(10) 'Repellents' are substances, not fumigants, under whatever name known, which may be toxic to insects and related pests, but are generally employed because of capacity for preventing the entrance or attack of pests.

"G. S. 106-65.25. (a) It shall be unlawful for any person, firm or corporation, association, or any organization or combination thereof to engage in, or supervise work as a manager, owner, or owner-operator, in structural pest control, control of wood destroying organisms, fumigation or closely related work as outlined in this Act, unless there shall first be secured a valid license issued for that purpose by the Structural Pest Control Commission.

(b) This Act shall not apply to any person doing work on his own property or to any regular employee of any person, firm or corporation doing work on the property of such person, firm or corporation, under the direct supervision of the person who owns or is in charge of the property on which work is being done. This Act shall not apply to agents or agencies of the Federal, State or Local Governments.

"G. S. 106-65.26. An applicant for a license must present satisfactory evidence to the commission concerning his qualifications for such license. The basic qualifications shall be: (a) Two years as an employee or owner-operator in the field of structural pest control, control of wood destroying organisms or fumigation, for which license is applied, or (b) one or more years training in specialized pest control, control of wood destroying organisms or fumigation under university or college supervision may be substituted for practical experience. Each year of such training may be substituted for one-half year of practical experience, or

(c) a degree from a recognized college or university with training in entomology, sanitary or public health engineering, or related subjects, including sufficient practical experience of structural pest control work under proper supervision, (d) all applicants must have practical experience and knowledge of practical and scientific facts underlying the practice of structural pest control, control of wood destroying organisms or fumigation.

"G. S. 106-65.27. (a) All applicants must pass a satisfactory oral or written examination. Frequency of such examinations shall be at the discretion of the commission, based upon the number of applications received, provided that a minimum of two examinations shall be held annually. The examinations will cover phases of structural pest control (control of wood destroying organisms, household pests and fumigation). The commission shall give one examination for one fee covering structural pest control, or any one of the following phrases: Control of household pests, or control of wood destroying organisms, or fumigation.

The commission shall be entitled to collect from each qualified person who makes application to take the examination to become a registered structural pest control operator, wood destroying organism control operator, or fumigator, the sum of twenty-five dollars ($25.00), which shall be in full for the examination. Any or all examinations may be taken at the same time for the payment of one fee and in case the applicant shall not be licensed, he or she shall have the right to take one additional examination at a regularly scheduled examination, without the payment of an additional fee.

(b) A business license shall not be transferrable. When there is a change in the status of the qualified person operating under a business license, the business establishment or business entity, or branch office, whether it be an individual, firm, partnership, corporation, association, or any organization or any combination thereof, shall have 90 days or until the next meeting of the commission following the expiration of said 90-day period to designate a person to qualify under the provisions of this Act.

"G. S. 106-65.28. Any license may be revoked by a majority vote of the commission, after notice and hearings as specified in Section 106-65.32, and for the following causes: (a) Misrepresentation for the purpose of defrauding; deceit or fraud; the making of a false statement with knowledge of its falsity for the purpose of inducing others to act thereon to their damage; or the use of methods or materials which are not reasonably suitable for the purpose contracted. (b) Failure of the license holder to give the commission, or its authorized representatives, upon request, true information regarding methods and materials used, work performed, where such information is essential to the administration of this Act. (c) Failure of the license holder to make registrations herein required or failure to pay the registration fees. (d) Any misrepresentation in the application for a license.

"G. S. 106-65.29. The commission is hereby authorized and empowered to make such reasonable rules and regulations with regard to structural

pest control as may be necessary to protect the interests, health and safety of the public. Such rules and regulations shall not become effective until a public hearing shall have been held and notification of such hearing shall have been given to all licensees.

"G. S. 106-65.30. For the enforcement of the provisions of this Act, the State Commissioner of Agriculture is hereby authorized and empowered to appoint one or more qualified inspectors, the salaries and traveling expenses for whom shall be paid only from funds of the commission. Said inspectors shall be known as 'Structural Pest Control Inspectors of the State Department of Agriculture'. The State Commissioner of Agriculture shall enforce compliance with the provisions of this Act by making or causing to be made periodical and unannounced inspections of work done by individuals, firms, partnerships, corporations, associations, or any other organizations or any combination thereof, engaged in the business of structural pest control, wood destroying organism control, or fumigation in the State of North Carolina, and it shall be the further duty of the inspectors of the State of North Carolina to promptly and diligently report to the State Commissioner of Agriculture all violations of the provisions of this Act or of any other law now or hereafter enacted regulating or governing the practice of structural pest control, wood destroying organisms control or fumigation or the operation of a structural pest control business in the State of North Carolina: Provided nothing herein contained shall be construed to authorize inspection of any property without the permission of the owner or occupant.

Every nonresident owner shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of this Act or any liabilities arising hereunder.

"G. S. 106-65.31. The fee for the issuance of an annual license under this Act shall be twenty-five dollars ($25.00). Licenses shall expire on June 30th of each year, and shall be renewable annually upon payment of the required fee. The license holder shall register with the Commissioner of Agriculture or his duly appointed representative the names of all solicitors and servicemen (not common laborers) and shall pay to said commissioner a registration fee of one dollar ($1.00) at the time each name is registered, which shall be within 30 days after employment. All registrations expire when the license expires. Each employee for whom application is made and fee is paid shall be issued an identification card, which shall be carried on his or her person at all times when performing work. Said identification card shall be displayed upon demand to the person or persons for whom such work is being performed. The licensee shall be responsible for making application for an operator's identification card for any regularly employed serviceman, salesman or estimator.

It shall be unlawful for a serviceman, salesman, or estimator to actually engage in the performance of work covered by this Act without having such identification card in his possession, provided that the licensee shall have 30 days after employing a serviceman, salesman, or estimator within which to apply for operator's identification card. The operator's identifi-

cation card provided for hereunder shall be effective only while the serviceman, salesman, or estimator shall remain in the employ of the licensee making the original application.

"G. S. 106-65.32. Proceedings under this Act shall be taken by the Structural Pest Control Commission for matters within its knowledge or upon accusations based on information of another. Said accusation must be in writing and under oath, verified by the person making the same. If by a member of the commission, he shall be disqualified from sitting in judgment at the hearing on said accusation. Upon receiving such accusation, the commission shall serve notice by registered mail of the time, place of hearing, and a copy of the charges upon the accused at least 30 days before the date of the hearing. The commission for sufficient cause, in its discretion, may postpone or continue said hearing from time to time, or if after proper notice no appearance is made by the accused, it may enter judgment at the time of hearing as prescribed herein, either by suspending or revoking the license of the accused. Both the commission and the accused may have the benefit of counsel and the right to cross-examine witnesses, to take depositions and to compel attendance of witnesses as in civil cases by subpoena issued by the secretary of the commission under the seal of the commission and in the name of the State of North Carolina. The testimony of all witnesses at any hearing, before the commission shall be under oath or affirmation.

A record of all hearings and judgments shall be kept by the secretary of the commission and in the event of suspension or revocation of license, the commission shall, within ten days, transmit a certified copy of said judgment to the Clerk of the Superior Court of the county of the residence of the accused or his resident agent.

"G. S. 106-65.33. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished as prescribed in Section 14-3 of the General Statutes of North Carolina.

"G. S. 106-65.34. Annually as of July 1, the commission shall submit to the Governor a report of its transactions of the preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the commission, attested by affidavit of its chairman, a copy of which statement shall be filed with the Secretary of State.

"G. S. 106-65.35. Exceptions as to Provisions for Written Examination by Licenses. The provisions of this Act as to examinations required of applicants for a business license shall not apply to any proposed licensee who has been actively engaged in and maintained a place of business for the purpose of controlling or exterminating insect pests, rodents, or control of wood destroying organisms by the use of chemicals, for a period of six months next preceding the effective date of this Act, either as an owner, or designated person in charge of a place of business, and who is maintaining a place of business in the State of North Carolina at the time this Act takes effect. The above provisions apply also to discharged service personnel or former members of the Armed Forces who apply for said business licenses within six months of their

discharge if satisfactory evidence is submitted that the applicant was actively engaged in said work as set forth above in the State of North Carolina immediately preceding the beginning of such service with the Armed Forces. The above provisions as to the issuance of a license under this Section shall be limited to the issuance of one license to a designated licensee at each business entity or branch office thereof, if said entity or branch office was in existence at least six months prior to the effective date of this Act."

Sec. 2. If any clause, sentence, paragraph, Section or part of this Act shall for any reason be declared unconstitutional by any court of competent jurisdiction, it shall not affect the validity or constitutionality of any remaining sentence, clause, paragraph, Section or part of this Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 433 CHAPTER 1018

AN ACT TO AMEND ARTICLE 13 OF CHAPTER 7 OF THE GENERAL STATUTES RELATING TO DOMESTIC RELATIONS COURTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-101 is amended by adding the following paragraph at the end of the first paragraph of said Section:

"The board of county commissioners of any of a group of counties, not exceeding five, with abutting boundaries, or the governing body of any incorporated city within the boundaries of the cooperating counties, shall have authority to establish a joint domestic relations court as provided in Section 7-102 or a court for the counties cooperating in the establishment of such court, or city or cities within such counties as may be determined by the governing bodies. Any number of cities may join the counties in which they are situate in establishing a domestic relations court."

Sec. 2. G. S. 7-102 is amended by adding at the end thereof the following:

"If two or more counties, not exceeding five, cooperate in the joint establishment of such court, the boards of commissioners of such cooperating counties and the governing authorities of cities and towns therein shall follow the same procedure for the establishment of such court as is provided in the preceding paragraph."

Sec. 3. G. S. 7-104 is amended by adding the following paragraph at the end of the first paragraph of said Section:

"When two or more counties cooperate in the establishment of such court, it shall be the duty of the boards of commissioners of such counties and the governing authorities of cities and towns within such counties, acting jointly, to elect a judge of such court and to fix his salary and provide for the payment of same, and his term of office shall be as pro-

vided in the preceding paragraph. The boards of commissioners of the said counties and the governing bodies of cities and towns shall determine the proportionate share of the salary of such judge and the other expenses of such court to be paid by the governmental units cooperating. The judge of such court shall select a location for the court headquarters at a county seat where all the court records shall be kept and maintained, and such judge shall schedule hearings at the county seats of the cooperating counties as he shall determine the need to be, and file such schedule with the welfare department of each cooperating county."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 464 CHAPTER 1019

AN ACT TO PROTECT PRIVATE PARKING LOTS AND SPACES.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park a motor or other vehicle in such private parking space without the express permission of the owner or lessee of such space; provided, that such private parking lot be clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance thereto; and provided further, that the parking spaces within the lot be clearly marked by signs setting forth the name of each individual lessee or owner.

Sec. 1½. The provisions of this Act shall only apply to parking spaces located within the corporate limits of municipalities.

Sec. 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than ten dollars ($10.00) in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 479 CHAPTER 1020

AN ACT TO AMEND G. S. 20-28 RELATING TO DRIVING A MOTOR VEHICLE WHILE LICENSE HAS BEEN SUSPENDED OR REVOKED.

The General Assembly of North Carolina do enact:

Section 1. The last sentence of subsection (a) of G. S. 20-28 is stricken out and the following is substituted in lieu thereof.

"In addition, the defendant's license may, in the discretion of the department, be suspended or revoked, as the case may be, for an additional period not to exceed double the period of the suspension or revocation in effect at the time of the apprehension of the defendant for a violation of this Section. No such additional suspension or revocation shall be imposed by the department except in accordance with the provisions of Section 20-16(c)."

Sec. 2. The provisions of this Act shall apply to all persons whose licenses were or are additionally suspended or revoked on or after January 1, 1954 under the provisions of G. S. 20-28 as in force prior to the effective date of this Act. Such persons shall be entitled to the provisions of G. S. 20-16 (c).

Sec. 3. The provisions of this Act shall remain effective notwithstanding the provisions of House Bill No. 374.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 490 CHAPTER 1021

AN ACT TO AMEND G. S. 2-29, IN RESPECT TO ADVANCE COURT COSTS OF THE CLERK OF THE SUPERIOR COURT OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2-29 of the General Statutes, as the same appears in recompiled Volume 1B of the General Statutes, is hereby amended by striking out in line 3 of said Section the words, figures and symbols "seven dollars and fifty cents ($7.50)" and by inserting in lieu thereof the words, figures and symbols "twelve dollars and fifty cents ($12.50)", and by striking out in lines 3 and 4 of said Section the words "one dollar and a half" and by inserting in lieu thereof the words, figures and symbols "two dollars ($2.00)".

Sec. 2. This Act shall apply only to Johnston County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 500 CHAPTER 1022

AN ACT TO AMEND G. S. 1-105 RELATING TO SERVICE UPON NON-RESIDENT DRIVERS OF MOTOR VEHICLES AND UPON THE PERSONAL REPRESENTATIVES OF DECEASED NON-RESIDENT DRIVERS OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-105 as it appears in the 1953 Supplement to the General Statutes is amended by inserting after the comma following the word "State" and before the word "or" in line four of said Section the words "or at any other place in this State,". Said Section is further amended by inserting after the word "State" and before the word "other" in line five the words "or at any other place in this State,". Said Section is further amended by striking out the period following the word "State" in line thirteen of said Section and substituting a comma therefor and inserting before the word "and" in line thirteen the words "or at any other place in this State,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 505 CHAPTER 1023

AN ACT REQUIRING CLAIMS AGAINST CERTAIN WATER AND SEWER DISTRICTS IN BUNCOMBE COUNTY TO BE PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS WITHIN NINETY DAYS AFTER THE HAPPENING OR INFLICTION OF THE INJURY COMPLAINED OF.

The General Assembly of North Carolina do enact:

Section 1. No action shall be instituted or maintained against any of the hereinafter named water and sewer districts in Buncombe County, or against the Commissioners of Buncombe County as trustees of such water and sewer districts upon any claim or demand whatsoever of any kind or character until the claimant shall have first presented his claim or demand in writing to the Commissioners of Buncombe County as trustees of such water and sewer districts and said board of commissioners shall have declined to pay or settle the same as presented, or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto, but nothing herein contained shall be construed to prevent any statute of limitations from commencing to run at the time such claim accrued or demand arose, or in any manner to interfere with its running.

Sec. 2. No action for damages against any of said water and sewer districts, or against the Commissioners of Buncombe County as trustees of such districts, of any character whatsoever to either person or property

shall be instituted against said districts, or against the Commissioners of Buncombe County as trustees of such districts unless within ninety days after the happening or infliction of the injury complained of, the complainant, his executors or administrators shall have given notice to the board of commissioners as trustees of the water and sewer district involved of such injury. Such notice must be in writing and must state the date and place of happening or infliction of such injury, the manner of such infliction, the character of the injury, and the amount of damages claimed therefor; but this shall not prevent any statute of limitations prescribed by law from commencing to run at the date of the happening or infliction of such injury or in any manner interfere with its running.

Sec. 3. This Act shall apply only to the following water and sewer districts in Buncombe County:

Beaverdam Water & Sewer District, Busbee Sanitary Sewer District, Caney Valley Sanitary Sewer District, Crescent Hill Sanitary Sewer District, East Biltmore Sanitary Sewer District, Fairview Sanitary Sewer District, Hazel Ward Water and Watershed District, Skyland Sanitary Sewer District, South Buncombe Water and Watershed District, Swannanoa Water & Sewer District, Venable Sanitary District.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 520 CHAPTER 1024

AN ACT TO AMEND G. S. 20-125 SO AS TO AUTHORIZE SIRENS TO BE EQUIPPED AND USED UPON VEHICLES OPERATED BY SHERIFFS, DEPUTY SHERIFFS AND OTHER PEACE OFFICERS IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-125 is amended by adding at the end thereof the following:

"In Edgecombe County, any vehicle owned or operated by any sheriff, deputy sheriff, constable or alcoholic beverage control officer may be equipped with a bell, siren or exhaust whistle of a type approved by the Commissioner of Motor Vehicles and such bell, siren or exhaust whistle may be used at any time by any officer named herein while in the performance of his official duties."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 522 **CHAPTER 1025**

AN ACT RELATING TO THE COMPENSATION OF CERTAIN OFFICIALS AND EMPLOYEES OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Durham County be and it is hereby authorized and empowered to fix the salary of the Clerk of Superior Court of Durham County. Said salary shall not be less than seven thousand dollars ($7,000.00) per annum and shall be paid on a monthly or semi-monthly basis. Said compensation shall be in lieu of any and all fees prescribed for the Clerk of the Superior Court under the provisions of any laws, general, local or special. The Board of County Commissioners of Durham County shall fix the compensation of Assistant Clerks of the Superior Court, the deputy clerks, and all other personnel now or hereafter employed in the office of the Clerk of the Superior Court: Provided, that the Clerk of the Superior Court shall retain full authority in respect to the selection and retention of all employees in his office, and in respect to the filling of all vacancies among such employees: Provided, further, that the Clerk of the Superior Court of Durham County, whenever in his discretion it becomes necessary to the efficient conduct of his office, is hereby authorized to appoint from among the deputy clerks employed in his office, one additional Assistant Clerk of the Superior Court: Provided, that the authority to appoint an Assistant Clerk of the Superior Court pursuant to this Section is supplemental and in addition to the authority to appoint assistant clerks pursuant to the provisions of any other laws, general, local or special.

Sec. 2. That the Board of Commissioners of Durham County be and it is hereby authorized and empowered to fix the salary of the Sheriff of Durham County. Said salary shall not be less than seven thousand dollars ($7,000.00) per annum and shall be paid on a monthly or semi-monthly basis. Said compensation shall be in lieu of any and all fees prescribed for the sheriff under the provisions of any laws, general, local or special. The Board of Commissioners of Durham County shall fix the compensation of all employees in the office of said Sheriff of Durham County including all deputy sheriffs, jailors and clerks as well as special deputies, and all other personnel now or hereafter employed in the office of the said sheriff: Provided, that the said sheriff shall retain full authority in respect to the selection and retention of all employees in his office, and in respect to the filling of all vacancies occurring among such employees. Each deputy sheriff shall be required to maintain a telephone in his home at his own expense, and the salaries paid to said deputy sheriffs shall be in lieu of all other compensation.

Sec. 3. That the Board of Commissioners of Durham County be and it is hereby authorized and empowered to fix the salary of the Register of Deeds of Durham County. Said salary shall not be less than five thousand dollars ($5,000.00) per annum and shall be paid on a monthly or semi-monthly basis. The board of county commissioners may in its discretion pay the register of deeds for the performance of his duties

as clerk to said board such amount as it deems requisite and proper. The Board of County Commissioners of Durham County shall fix the compensation of all other personnel now or hereafter employed in the office of the register of deeds: Provided, that the register of deeds shall retain full authority in respect to the selection and retention of all employees in his office, and in respect to the filling of all vacancies occurring among such employees.

Sec. 4. That the Board of Commissioners of Durham County be and it is hereby authorized and empowered to fix the salary of the Judge of Recorder's Court of Durham County. Said salary shall not be less than seven thousand dollars ($7,000.00) per annum and shall be paid on a monthly or semi-monthly basis. In addition to the annual salary herein provided for, the Judge of Recorder's Court shall be paid an expense allowance, payable in twelve equal monthly installments, in whatever amount the board of commissioners deem requisite and proper so long as said judge maintains an office and employs a secretary at his own expense. A Judge of the Recorder's Court of Durham County shall be elected at the same time and in the same manner as other county officials in 1956 and quadrennially thereafter. The term of office of said judge so elected shall begin on the first Monday in December after the general election. Said judge shall not engage in the practice of law. That the Board of Commissioners of Durham County be and it is hereby authorized and empowered to fix the salary of the Prosecuting Attorney of the Recorder's Court of Durham County. Said salary shall not be less than five thousand dollars ($5,000.00) per annum and shall be paid on a monthly or semi-monthly basis. That the Board of Commissioners of Durham County be and it is hereby authorized and empowered to fix the salary of the Clerk of the Recorder's Court in Durham County. Said salary shall not be less than four thousand five hundred dollars ($4,500.00) per annum and shall be paid on a monthly or semi-monthly basis. Said compensation shall be in lieu of any and all fees prescribed for the Clerk of Recorder's Court under the provisions of any laws, general, local or special. The Board of County Commissioners of Durham County shall fix the compensation of the Assistant Clerk, the Chief Deputy Clerk, Deputy Clerks and other personnel of the Recorder's Court of Durham County and all other personnel now or hereafter employed in the office of the Clerk of the Recorder's Court or of the Recorder's Court of Durham County: Provided, that the said Clerk of said Recorder's Court shall retain full authority in respect to the selection and retention of all employees in his office, and in respect to the filling of all vacancies occurring among such employees.

Sec. 5. That the Board of Commissioners of Durham County be and it is hereby authorized and empowered to fix the salary of the Treasurer of Durham County. Said salary shall not be less than three thousand nine hundred dollars ($3,900.00) per annum and shall be paid on a monthly or semi-monthly basis.

Sec. 6. That the Board of Commissioners of Durham County be and it is hereby authorized and empowered to fix the salary of the Coroner

of Durham County. Said salary shall not be less than two thousand dollars ($2,000.00) per annum and shall be paid on a monthly or semi-monthly basis. Said salary shall constitute said coroner's entire compensation for the performance of all of his duties as Coroner of Durham County.

Sec. 7. That the Board of Commissioners of Durham County be and it is hereby authorized and empowered to fix the salary of the Medical Examiner of Durham County. Said salary shall not be less than one thousand dollars ($1,000.00) per annum and shall be paid on a monthly or semi-monthly basis. That the Board of Commissioners of Durham County may pay the said medical examiner an expense allowance in whatever amount the board of commissioners deems fair and equitable.

Sec. 8. That the Clerk of Superior Court, the sheriff, the register of deeds, the treasurer and the Clerk of Recorder's Court may, when approved by the Commissioners of Durham County, employ such additional personnel as they in their judgment deem necessary for the efficient discharge of the duties of their respective offices.

Sec. 9. That the County Commissioners of Durham County shall be paid the sum of fifteen dollars ($15.00) for each day served, but shall not be paid for more than forty-eight (48) days in any twelve (12) months period.

Sec. 10. That any increase in salary authorized pursuant to this Act shall be payable only for services rendered on and after July 1, 1955.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 206 CHAPTER 1026

AN ACT TO AMEND VARIOUS SECTIONS OF CHAPTER 97 OF THE GENERAL STATUTES RELATING TO "THE WORKMEN'S COMPENSATION ACT".

The General Assembly of North Carolina do enact:

Section 1. G. S. 97-2(e) is hereby amended by adding the following new paragraph at the end thereof:

"In case of disabling injury to a volunteer fireman under compensable circumstances, compensation payable shall be calculated upon the average weekly wage the volunteer fireman was earning in the employment wherein he principally earned his livelihood as of the date of injury."

Sec. 2. G. S. 97-25 is hereby amended by inserting immediately following the word "hospital," in line one of said Section, the words "nursing services, medicines, sick travel,".

Sec. 3. G. S. 97-26 is hereby amended by inserting immediately following the words "hospital service" in line two of said Section the words ", nursing services, medicines, sick travel".

Sec. 4. G. S. 97-90(a) is hereby amended by inserting immediately

following the word "services" in line two of said subsection, the words "and charges for nursing services, medicines and sick travel".

Sec. 5. G. S. 97-29 is hereby amended as follows:

(a) In line five of said Section, strike out the word "thirty" and insert in lieu thereof the words "thirty-two dollars and fifty cents".

(b) In line six of said Section, strike out the word "eight", and insert in lieu thereof the word "ten".

(c) In line eight of said Section, strike out the word "eight" and insert in lieu thereof the word "ten".

(d) In line twelve of said Section, immediately following the word "necessary", insert the words "nursing services, medicines, sick travel,".

(e) In line fourteen of said Section, strike out the word "eight" and insert in lieu thereof the word "ten".

(f) In line seventeen of said Section, strike out the word "eight" and insert in lieu thereof the word "ten".

(g) In line eighteen of said Section, strike out the word "eight" and insert in lieu thereof the word "ten".

(h) In line nineteen of said Section, strike out the word "two" and insert in lieu thereof the word "four".

(i) In line twenty-three of said Section, strike out the words "thirty dollars" and insert in lieu thereof the words "thirty-two dollars and fifty cents".

(j) In line twenty-five of said Section, strike out the word "eight" and insert in lieu thereof the word "ten".

Sec. 6. G. S. 97-30 is amended by striking out the words "thirty dollars" in lines six and seven of said Section and inserting in lieu thereof the words "thirty-two dollars and fifty cents".

Sec. 7. G. S. 97-31 is amended by inserting immediately following the word "eye" and immediately preceding the word "shall" in line four of subsection (t) of said Section, the words "or for partial loss of hearing". G. S. 97-31 is hereby further amended by adding a new subsection thereto to be designated as subsection (x) to read as follows:

"(x) For the total loss of use of the back, sixty per centum (60%) of the average weekly wages during 300 weeks. The compensation for partial loss of use of the back shall be such proportion of the payments herein provided for total loss as such partial loss bears to total loss, except that in cases where there is seventy-five per centum (75%) or more loss of use of the back, in which event the injured employee shall be deemed to have suffered 'total industrial disability' and compensated as for total loss of use of the back."

Sec. 8. G. S. 97-38 is hereby amended as follows:

(a) In line six of said Section, strike out the words "thirty dollars" and insert in lieu thereof the words "thirty-two dollars and fifty cents".

(b) In line seven of said Section, strike out the word "eight" and insert in lieu thereof the word "ten".

(c) In line eight of said Section, strike out the word "two" and insert in lieu thereof the word "four".

Sec. 9. G. S. 97-41 is hereby amended by striking out the word

"eight" as the same appears in line five and inserting in lieu thereof the word "ten".

Sec. 10. G. S. 97-53(17) is hereby amended by striking out the words ", of the knee or elbow," as the same appears immediately following the word "bursitis" and immediately preceding the word "due".

Sec. 11. G. S. 97-79 is hereby amended by adding a new subsection to be designated as subsection (e), and to read as follows:

"(e) The North Carolina Industrial Commission, or any member thereof, or any deputy, is authorized, by appropriate order, to make additional parties plaintiff or defendant in any proceeding pending before the North Carolina Industrial Commission when it is made to appear that such new party is either a necessary party or a proper party to a final determination of the proceeding."

Sec. 12. G. S. 97-24(a) is hereby amended by striking out the word "one" as the same appears immediately following the word "within" and immediately preceding the word "year" in line two of said subsection, and inserting in lieu thereof the word "two".

Sec. 12½. G. S. 97-83 is hereby amended by striking out the last sentence of such Section and inserting in lieu thereof the following sentence: "The hearing or hearings shall be held in the city or county where the injury occurred, unless otherwise authorized by the Industrial Commission".

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. This Act shall become effective on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 639 CHAPTER 1027

AN ACT TO MAKE MORE DEFINITE THE PROCEDURE FOR DISPOSITION OF CHILDREN BORN OF FEMALE PRISONERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 148-47 is hereby rewritten to read as follows:

"G. S. 148-47. Disposition of child born of female prisoner. Any child born of a female prisoner while she is in custody shall as soon as practicable be surrendered to the Superintendent of Public Welfare of the county wherein the child was born upon a proper order of the Domestic Relations Court or Juvenile Court of said county affecting the custody of said child. When it appears to be for the best interest of the child, the court may place custody beyond the geographical bounds of Wake County: Provided, however, that all subsequent proceedings and orders affecting custody of said child shall be within the jurisdiction of the proper court of the county where the infant is residing at the time such proceeding is commenced or such order is sought: Provided, further, that nothing in this Section shall affect the right of the mother to consent to the adoption of her child nor shall the right of the mother to place

her child with the legal father or other suitable relative be affected by the provisions of this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 654 CHAPTER 1028

AN ACT AMENDING CHAPTER 1059, SESSION LAWS OF 1951, BY ADDING THE CLAIM OF PLATO FLOWE TO BE HEARD BY THE NORTH CAROLINA INDUSTRIAL COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. That Section 13, Chapter 1059, Session Laws of 1951, be and the same is hereby amended by adding at the end thereof the following:

"CLAIMANT	UNIT	COUNTY	AMOUNT
Plato Flowe	State Board of Education	Cabarrus	$8,000.00"

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 664 CHAPTER 1029

AN ACT TO AMEND G. S. 106-452 RELATING TO MAXIMUM WAREHOUSE CHARGES FOR SALES OF BURLEY LEAF TOBACCO.

The General Assembly of North Carolina do enact:

Section 1. The last provision of G. S. 106-452 is rewritten to read as follows:

"Provided that tobacco warehouses selling burley tobacco only may charge commissions on the gross sales of burley leaf tobacco not to exceed three and one-half percentum (3½%). There may also be a basket fee of twenty-five cents (25c) per basket on all burley leaf tobacco sold in such warehouses."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 843 **CHAPTER 1030**

AN ACT TO AMEND CHAPTER 309, PUBLIC LAWS OF 1941 RELATING TO THE PROMOTION OF SANITATION OF HOTELS, CAFES, RESTAURANTS, TOURIST HOMES, MOTELS, TOURIST CAMPS, SUMMER CAMPS AND ALL OTHER ESTABLISHMENTS PROVIDING FOOD AND/OR LODGING TO THE PUBLIC FOR PAY.

The General Assembly of North Carolina do enact:

Section 1. Section one of Chapter 309, Public Laws of 1941, is stricken out and the following is substituted in lieu thereof:

"For the better protection of the public health, the State Board of Health is hereby authorized, empowered and directed to prepare and enforce rules and regulations governing the sanitation of any hotel, cafe, restaurant, tourist home, motel, summer camp, food or drink stand, sandwich manufacturing establishment and all other establishments where food or drink are prepared, handled, and/or served for pay, or where lodging accommodations are provided. The State Board of Health is also authorized, empowered and directed to prepare a system of grading all such places, and no such establishment shall operate which receives a grade less than C."

Sec. 2. Section two of Chapter 309, Public Laws of 1941, is stricken and the following is substituted in lieu thereof:

"The officers, sanitarians or agents of the State Board of Health are hereby empowered and authorized to enter any hotel, cafe, restaurant, tourist home, motel, summer camp, food or drink stand, sandwich manufacturing establishment, and all other establishments where food or drink is prepared, handled and/or served for pay, or where lodging accommodations are provided, for the purpose of making inspections, and it is hereby made the duty of every person responsible for the management or control of such hotel, cafe, restaurant, tourist home, motel, summer camp, food or drink stand, sandwich manufacturing establishment or other establishment to afford free access to every part of such establishment, and to render all aid and assistance necessary to enable the sanitarians or agents of the State Board of Health to make a full, thorough and complete examination thereof, but the privacy of no person shall be violated without his or her consent. It shall be the duty of the sanitarian or agent of the State Board of Health to leave with the management, or person in charge at the time of the inspection, a copy of his inspection and a grade card showing the grade of such place, and it shall be the duty of the management, or person in charge to post said card in a conspicuous place designated by the sanitarian where it may be readily observed by the public. Such grade card shall not be removed by anyone, except an authorized sanitarian or agent of the State Board of Health, or upon his instruction."

Sec. 3. Section three of Chapter 309, Public Laws of 1941, is stricken and the following is substituted in lieu thereof:

"Any owner, manager, agent, or person in charge of a hotel, cafe,

restaurant, tourist home, motel, summer camp, food or drink stand, sandwich manufacturing establishment, or any other establishment where food or drink are prepared, handled and/or served for pay, or where lodging accommodations are provided, or any other person who shall willfully obstruct, hinder or interfere with a sanitarian, agent, or officer of the State Board of Health in the proper discharge of his duty, or who shall be found guilty of violating any of the other provisions of this Act, or any of the rules and regulations that may be provided under this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars ($10.00), nor more than fifty dollars ($50.00), or imprisoned for not more than thirty days, and each day that he shall fail to comply with this Act, or operate a place with a rating of less than grade C shall be a separate offense."

Sec. 4. This Act shall not apply to private homes providing food and/or lodging to permanent house guests. The term "permanent house guests" shall mean guests receiving food and/or lodging accommodations for periods of a week or longer and who pay for such accommodations and the visitors of said guests. Provided further that this Act shall not apply to food or drink stands operated by church, civic or charitable organizations for a period of one week or less.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 844 CHAPTER 1031

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT MEMBERS OF A COMMERCIAL FISHERIES ADVISORY BOARD TO STUDY MATTERS IN CONNECTION WITH COMMERCIAL FISHING IN THE WATERS OF NORTH CAROLINA.

WHEREAS, commercial fishing in the waters of North Carolina is constantly increasing in importance to the economy of the State and is vital to the welfare of the people in the coastal areas; and

WHEREAS, the operation of the commercial fishing industry is controlled largely by the State Board of Conservation and Development through the adoption and enforcement of rules and regulations governing procedures in the industry; and

WHEREAS, it has appeared in the past that the interests of the commercial fishing industry have not had adequate representation on the Board of Conservation and Development; and

WHEREAS, the activities of commercial fishing are so divergent in the different areas along the coastal region and among the various levels of income groups within the industry that all of said areas and income levels cannot be adequately represented by one member, or even two or three members, of the Board of Conservation and Development; and

WHEREAS, it is vital to the success of the commercial fishing industry, and to its development to its full potential of value in the economy of the State that the broadest possible representation be provided when decisions affecting said industry are made: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The purpose of this Act is to create a board to be known as the Commercial Fisheries Advisory Board, the function, purpose and duty of which shall be to study all matters and activities in connection with the commercial fishing industry in the waters of North Carolina and to meet with and make recommendations to the Commercial Fisheries Committee of the Board of Conservation and Development.

Sec. 2. On or before July 1, 1955, the Governor of North Carolina is hereby authorized, empowered and directed to appoint a Commercial Fisheries Advisory Board to be composed of seven (7) members as follows:

(1) One member from the Southport area, which area extends from the South Carolina line northwardly to Rich Inlet, and thence westwardly to include all of the waters within said area.

(2) One member from the New River Inlet area, which area is bounded on the South by the Southport area and extends northwardly to Bogue Inlet and thence westwardly and includes all of the waters within said area.

(3) One member from the Morehead area, which area is bounded on the South by the New River Inlet area and extends northwardly to Ocracoke Inlet thence westwardly across Pamlico Sound to the Neuse River line thence up Neuse River to Adams Creek thence westwardly.

(4) One member from the Pamlico area, which area is bounded on the South by the Morehead area and on the North by a line extending across Pamlico Sound to Pamlico Point, thence up the South side of Pamlico River to the highway bridge, thence westwardly.

(5) One member from the Hatteras area, which area is bounded on the South by the Pamlico area and on the North by a line extending from Rodanthe westwardly.

(6) One member from the Albemarle area, which area is bounded on the South by the Hatteras area and extends northwardly to the Virginia line and includes all of the waters within said area.

(7) One member from the State at large to be designated as chairman.

The members of the board so appointed shall have personal knowledge of the commercial fishing industry and shall have an interest in its welfare and development. The members so appointed shall represent, as well as is practicable and possible, all income levels and all phases of the commercial fishing industry.

Of the original membership of the board appointed by the Governor, three members shall be appointed for four years beginning July 1, 1955, two members shall be appointed for two years beginning July 1, 1955, and two members shall be appointed for one year beginning July 1, 1955, and until their successors are appointed and qualified. Thereafter, all

members shall be appointed for four-year terms, and until their successors are appointed and qualified. In the event of a vacancy on the board the Governor is authorized to make an appointment to fill the vacancy for the remainder of the unexpired term.

At its first meeting, the board shall organize and elect a vice-chairman and a secretary.

The board shall meet at the call of the Commercial Fisheries Committee of the Board of Conservation and Development but shall meet at least once annually immediately preceding the July meeting of the Board of Conservation and Development.

The members of the board shall receive not more than five dollars ($5.00) per diem and actual travel expenses while in attendance of meetings of the board or engaged in the business of the board; all travel expenses shall be paid in accordance with the provisions of the Executive Budget Act, Article 1, of Chapter 143, of the General Statutes of North Carolina.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 1014 CHAPTER 1032

AN ACT AMENDING G. S. 153-48.5 SO AS TO MAKE THE PROVISIONS OF ARTICLE 6A, CHAPTER 153 OF THE GENERAL STATUTES APPLICABLE TO SAMPSON COUNTY AND TO AUTHORIZE THE BOARD OF COMMISSIONERS OF SAID COUNTY TO FIX THE COMPENSATION OF ALL ELECTIVE AND APPOINTIVE COUNTY OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-48.5, as the same appears in the 1953 Supplement to Volume 3A of the General Statutes, be and the same is hereby amended by inserting the word "Sampson" between the words "Rutherford" and "Scotland" in the fifth line thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 1091 **CHAPTER 1033**

AN ACT TO CREATE A RURAL POLICE DEPARTMENT OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the Rural Police Department of Anson County. The Sheriff of Anson County shall appoint as members of the Rural Police Department created by this Act one resident qualified person from each of the four county commissioner districts of said county, and said sheriff may designate one of said rural police so appointed as chief of the rural police. The sheriff shall appoint one additional member of the Rural Police Department who may be chosen from residents of the county at large and who, in addition to other duties which may be assigned him, shall be keeper of the county jail. The members of the Rural Police Department shall be appointed for one-year terms and shall be under the complete direction, supervision and control of the Sheriff of Anson County. Before entering upon the discharge of their duties, said rural police shall give bonds and take and subscribe oaths as shall be prescribed by the said board of commissioners. In addition thereto, the rural policeman also appointed jailer, as above provided for, shall give an additional bond for the faithful performance of his duties as jailer and take oaths of office as shall be prescribed by said board of commissioners.

Members of the Rural Police Department shall have the power, duty and authority to execute all criminal and civil process and notices of whatever nature directed to them by any authority competent to issue the same, and they shall have the same authority to make arrests and to execute all civil and criminal process as is by law now vested in the sheriff. The authority of members of the Rural Police Department shall be county-wide. The said rural police shall collect the same fees for their services as is prescribed by law for the sheriff and their fees shall be paid into the office of the Sheriff of Anson County and shall go into the general fund of said county.

Upon the resignation or removal of any member of the Rural Police Department, the sheriff shall appoint his successor.

The compensation by way of salary or travel or other expense of members of the Rural Police Department shall be fixed in such amounts as may be determined by the Board of County Commissioners of Anson County, and in addition to any salary or travel or other expenses which may be fixed, the commissioners may allow any one or all the members of said rural police any part or all the civil fees collected by him or them for service of civil process, but in no case shall they receive any fees arising out of criminal matters. In fixing the salaries of these officers, the said board of commissioners may pay the chief of the rural police any additional sums as it may deem right and proper for his additional duties and responsibilities and in fixing the salary of the rural policeman who is also serving as jailer the board of commissioners shall consider his duties and responsibilities when the salary of that official is set or fixed.

Sec. 2. The Board of County Commissioners of Anson County is

authorized to determine and fix the fees for imprisonment and release from prison each person committed to the county jail of said county, and shall fix the amounts to be charged for board and lodging and other charges and costs of the operation of the jail of said county, all of which shall be collected by the sheriff, and when collected, paid into the general fund of said county.

Sec. 3. The appointments and removal of rural policemen and/or jailer as herein provided for, shall be subject to the approval of the board of county commissioners of said county.

Sec. 4. Public-Local Laws 1915, Chapter 451; Public-Local Laws 1919, Chapter 314; Public-Local Laws, Extra Session 1920, Chapter 80; Public-Local Laws 1923, Chapter 393; Public-Local Laws 1927, Chapter 648; Public-Local Laws 1929, Chapter 183; Public-Local Laws 1939, Chapter 427; Session Laws 1943, Chapter 645; Session Laws 1945, Chapter 594; Session Laws 1945, Chapter 747; Session Laws 1949, Chapter 927; Session Laws 1951, Chapter 488; Session Laws 1951, Chapter 587, are hereby repealed and all other Public, Public-Local, and Private Laws in conflict with this Act, to the extent of such conflict, are repealed.

Sec. 5. This Act shall be in full force and effect on and after the first Monday in December, 1955.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 1111 CHAPTER 1034

AN ACT AMENDING ARTICLE 11, CHAPTER 7 OF THE GENERAL STATUTES RELATING TO THE OFFICIAL COURT REPORTER FOR THE ELEVENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Article 11, Chapter 7 of the General Statutes, as the same appears in Volume 1B thereof, be and the same is hereby amended by adding at the end of said Article a new Section to be numbered Section 7-92.1 and reading as follows:

"§7-92.1. Official Court Reporter for Eleventh Judicial District.—The Resident Judge of the Eleventh Judicial District is hereby authorized and empowered to appoint an official court reporter for one or more or all of the counties in said district who shall serve at the will of the Resident Judge, and whose appointment may be terminated by 30 days' written notice thereof.

"The appointment of such reporter or reporters shall be filed in the office of the Clerk of the Superior Court of each county in said district in which said reporter is to officiate, and the same, or a certified copy thereof, shall be recorded by said clerk on the minute docket of his court.

"Before entering upon the discharge of the duties of said office, said reporter shall take and subscribe an oath in words substantially as follows: 'I, ..., do solemnly swear that I will, to the best of my ability, discharge the duties of the office of court reporter in and for the county of ..... in the Eleventh Judicial District,

and will faithfully transcribe the testimony offered in said courts as the Presiding Judge may direct, or as I may be required to do under the law, so help me, God.' Said oath shall be filed in the office of each of the Clerks of the Superior Courts of the counties in which said reporter is to officiate, and recorded and indexed on the minute dockets of said courts.

"If on account of sickness, or for other cause, said reporter is unable to attend upon any of the regular courts of said district, and for conflict and special terms, the Resident Judge may appoint a reporter pro tem. for said court or courts, and said appointment shall appear upon the minutes of said term, and said reporter shall take and subscribe the oath referred to above, which oath shall be filed with the clerk. In lieu of appointing a reporter pro tem. for each of said courts, the Resident Judge may, in his discretion, appoint a reporter pro tem. for a stated period whose duty it shall be to report any and all courts in the county or counties designated in the appointment, which the regular court reporter is for any cause unable to report.

"The Resident Judge shall likewise fix the compensation to be received by such reporter and such reporter pro tem.: Provided, however, such compensation shall not exceed twenty-five dollars ($25.00) per day and actual expenses upon a weekly basis, to be paid by the county for which the court is calendared.

"The testimony taken and transcribed by said court reporter or said court reporter pro tem., as the case may be, and duly certified, either by said reporter or the Presiding Judge at the trial of the cause, may be offered in evidence in any of the courts of this State as the deposition of the witness whose testimony is so taken and transcribed, in the same manner, and under the same rule governing the introduction of depositions in civil actions."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 1158 CHAPTER 1035

AN ACT TO AMEND SENATE BILL 187, RATIFIED APRIL 27, 1955, RELATING TO THE "UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT".

The General Assembly of North Carolina do enact:

Section 1. That Senate Bill 187, ratified April 27, 1955, be and the same is hereby amended by striking out the period and quotation marks at the end of Section 1 and by adding the following: "or domestic relations court.".

Sec. 2. Amend Senate Bill 187 in Section 7 thereof by striking out the word "superior" in the last sentence of said Section, and by striking out the word "superior" in line 5 and in line 15 of said Section.

Sec. 2½. Amend Senate Bill 187 in Section 5 thereof by adding immediately following the word "court" in line 10 of said Section the following words: "or domestic relations court".

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 1170 CHAPTER 1036

AN ACT RELATING TO MAXIMUM HOURS FOR HUNTING MIGRATORY WILDFOWL IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Nothwithstanding any regulations of the North Carolina Wildlife Resources Commission, the maximum hours for hunting migratory wildfowl in Carteret County shall be the same as those fixed by Federal regulations applicable to the State of North Carolina.

Sec. 1½. That the provisions of this Act shall apply to the County of Craven.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 1181 CHAPTER 1037

AN ACT TO AMEND G. S. 113-111 RELATING TO THE CLOSED SEASON ON FOXES IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-111 as it appears in the 1953 Supplement to the General Statutes is amended by inserting after the comma following the word "Beaufort" and before the word "Davidson" in line two of said Section the word "Catawba,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 1216 **CHAPTER 1038**

AN ACT TO AUTHORIZE JESSIE MAE GRIMES TO FILE AND PROSECUTE HER CLAIM UNDER THE STATE TORT CLAIMS ACT FOR AN INJURY RECEIVED BY HER AT THE FLEMING STREET SCHOOL IN GREENVILLE.

WHEREAS, Jessie Mae Grimes, a colored child enrolled in the Fleming Street School, in Greenville, North Carolina, being then about six or seven years old, was proceeding down the steps of the Fleming Street School and stepped into a hole or broken place in said steps and as a result of a fall received a fracture of the large thighbone of the left leg, and said fracture, in spite of medical care, did not knit back or heal properly, and, as a result, the child's leg is one-half inch shorter than it should be and has not developed properly and along with her other leg as she grew up; and

WHEREAS, this injury has greatly and permanently damaged this colored school student, and while same happened on the 8th day of February, 1951, no proper claim was filed with the Industrial Commission under the State Tort Claims Act because her mother, who is the only person left to care for her, was ignorant of the rights of the child, and being a colored woman was not informed as to what she should do in order to prosecute a claim for her said child, and, therefore, her mother only learned after two years had elapsed that if she had acted promptly there would have been some possibility of having the claim passed upon by the Industrial Commission; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the said Jessie Mae Grimes, or some proper representative in her behalf, be, and she is hereby, allowed to file her claim for said injury before the North Carolina Industrial Commission and have the same heard according to the State Tort Claims Act, which is Article 31 of Chapter 143, Volume 3B, of the General Statutes of North Carolina. The said Industrial Commission shall pass upon said claim according to said Article and shall decide whether or not Jessie Mae Grimes is entitled to any compensation by reason of said injury, and, if so, the proper amount, and the time limitation on the filing of claims as set forth in G. S. 143-299 shall not be applicable to this claim.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

H. B. 1224 **CHAPTER 1039**

AN ACT TO REGULATE THE METHODS OF TAKING FOXES.

The General Assembly of North Carolina do enact:

Section 1. Section 113-111 of the General Statutes of North Carolina is hereby amended by inserting immediately after the words "at any time" in line 2, as the same appears in the 1953 Cumulative Supplement, the words "by any lawful method".

Sec. 2. All laws and clauses of laws, whether of general or local application, which conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1955.

S. B. 113 **CHAPTER 1040**

AN ACT RELATING TO INSURERS NOT AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE; PROVIDING FOR ACTIONS IN THIS STATE AGAINST AND FOR THE SERVICE OF PROCESS UPON SUCH INSURERS; PRESCRIBING HOW A DEFENSE MAY BE MADE BY SUCH INSURERS; AND PROVIDING FOR THE ALLOWANCE OF ATTORNEYS FEES IN ACTIONS AGAINST SUCH INSURERS.

The General Assembly of North Carolina do enact:

Section 1. Purpose of Act. The purpose of this Act is to subject certain insurers to the jurisdiction of courts of this State in suits by or on behalf of insureds or beneficiaries under insurance contracts. The General Assembly declares that it is a subject of concern that many residents of this State hold policies of insurance issued by insurers not authorized to do business in this State, thus presenting to such residents the often insuperable obstacle of resorting to distant forums for the purpose of asserting legal rights under such policies. In furtherance of such State interest, the General Assembly herein provides a method of substituted service or process upon such insurers and declares that in so doing it exercises its power to protect its residents and to define, for the purpose of this Statute, what constitutes doing business in this State, and also exercises powers and privileges available to the State by virtue of Public Law 15, 79th Congress of the United States, Chapter 20, 1st Session, S. 340, as amended, which declares that the business of insurance and every person engaged therein shall be subject to the laws of the several states.

Sec. 2. Service of Process Upon Unauthorized Insurer. (a) Any of the following acts in this State, effected by mail or otherwise, by an unauthorized foreign or alien insurer: (1) the issuance or delivery of contracts of insurance to residents of this State or to corporations

authorized to do business therein, (2) the solicitation of applications for such contracts, (3) the collection of premiums, membership fees, assessments or other considerations for such contracts, or (4) any other transaction of business, is equivalent to and shall constitute an appointment by such insurer of the Commissioner of Insurance and his successor or successors in office, to be its true and lawful attorney, upon whom may be served all lawful process in any action, suit, or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract of insurance, and any such act shall be signification of its agreement that such service of process is of the same legal force and validity as personal service of process in this State upon such insurer.

(b) Such service of process shall be made by delivering to and leaving with the Commissioner of Insurance or some person in apparent charge of his office two copies thereof and the payment to him of one dollar ($1.00). The Commissioner of Insurance shall forthwith mail by registered mail one of the copies of such process to the defendant at its last known principal place of business, and shall keep a record of all process so served upon him. Such service of process is sufficient, provided notice of such service and a copy of the process are sent within ten days thereafter by registered mail by plaintiff or plaintiff's attorney to the defendant at its last known principal place of business, and the defendant's receipt, or receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

(c) Service of process in any such action, suit or proceeding shall in addition to the manner provided in subsection (b) of this Section be valid if served upon any person within this State who, in this State on behalf of such insurer, is

(1) soliciting insurance, or

(2) making, issuing or delivering any contract of insurance, or

(3) collecting or receiving any premium, membership fee, assessment or other consideration for insurance;

and a copy of such process is sent within ten days thereafter by registered mail by the plaintiff or plaintiff's attorney to the defendant at the last known principal place of business of the defendant, and the defendant's receipt, or the receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defend-

ant is required to appear, or within such further time as the court may allow.

(d) No plaintiff or complainant shall be entitled to a judgment by default under this Section until the expiration of 30 days from date of the filing of the affidavit of compliance.

(e) Nothing in this Section contained shall limit or abridge the right to serve any process, notice or demand upon any insurer in any other manner now or hereafter permitted by law.

Sec. 3. Defense Of Action By Unauthorized Insurer. (a) Before any unauthorized foreign or alien insurer shall file or cause to be filed any pleading in any action, suit or proceeding instituted against it, such unauthorized insurer shall either (1) deposit with the clerk of the court in which such action, suit or proceeding is pending cash or securities or file with such clerk a bond with good and sufficient sureties, to be approved by the court, in an amount to be fixed by the court sufficient to secure the payment of any final judgment which may be rendered in such action; or (2) procure a certificate of authority to transact the business of insurance in this State.

(b) The court in any action, suit, or proceeding, in which service is made in the manner provided in subsections (b) or (c) of Section 2 may, in its discretion, order such postponement as may be necessary to afford the defendant reasonable opportunity to comply with the provisions of subsection (a) of this Section and to defend such action.

(c) Nothing in subsection (a) of this Section is to be construed to prevent an unauthorized foreign or alien insurer from filing a motion to quash a writ or to set aside service thereof made in the manner provided in subsections (b) or (c) of Section 2 hereof on the ground either (1) that such unauthorized insurer has not done any of the acts enumerated in subsection (a) of Section 2, or (2) that the person on whom service was made pursuant to subsection (c) of Section 2 was not doing any of the acts therein enumerated.

Sec. 4. Attorney Fees. In any action against an unauthorized foreign or alien insurer upon a contract of insurance issued or delivered in this State to a resident thereof or to a corporation authorized to do business therein, if the insurer has failed for 30 days after demand prior to the commencement of the action to make payment in accordance with the terms of the contract, and it appears to the court that such refusal was vexatious and without reasonable cause, the court may allow to the plaintiff a reasonable attorney fee and include such fee in any judgment that may be rendered in such action; providing, however, that the fee or portion of fee included in the judgment shall be not less than twenty-five dollars ($25.00) nor more than twelve and one half per cent (12½%) of the amount which the court or jury finds the plaintiff is entitled to recover against the insurer. Failure of an insurer to defend any such action shall be deemed prima facie evidence that its failure to make payment was vexatious and without reasonable cause.

Sec. 5. Constitutionality. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity

shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 6. Short Title. This Act may be cited as the Unauthorized Insurers Process Act and shall become G. S. 58-153.1 of the General Statutes, and shall be effective upon ratification.

Sec. 7. Conflict Of Laws. All laws and clauses of law in conflict with this Act, to the extent of such conflict, are hereby repealed.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 231 CHAPTER 1041

AN ACT TO APPOINT A JUSTICE OF THE PEACE FOR SHOAL CREEK TOWNSHIP AND A JUSTICE OF THE PEACE FOR VALLEYTOWN TOWNSHIP IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Lon Raper be and is hereby appointed a justice of the peace for Shoal Creek Township in Cherokee County, North Carolina, for a term of two years, said term to begin on April 1, 1955; provided, that said justice may qualify at any time within 90 days after April 1, 1955.

Sec. 2. That Sam W. Jones be and is hereby appointed a justice of the peace for Valleytown Township in Cherokee County, North Carolina, for a term of two years, said term to begin on April 1, 1955; provided, that said justice may qualify at any time within 90 days after April 1, 1955.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 279 CHAPTER 1042

AN ACT TO AMEND G. S. 20-141 (c) SO AS TO RELATE SAID SECTION TO INJURIES SUSTAINED EITHER ON OR OFF THE HIGHWAY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-141 (c) is hereby amended by inserting a comma after the word "highway" in line eight of said Section and inserting between said word "highway" and the word "in" in said line of said Section the following:

"and to avoid causing injury to any person or property either on or off the highway".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 333 CHAPTER 1043

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 110 OF THE GENERAL STATUTES RELATING TO JUVENILE COURTS.

The General Assembly of North Carolina do enact:

Section 1. The first sentence of the second paragraph of G. S. 110-22 is stricken out and the following is substituted in lieu thereof:

"The board of county commissioners of each county in the State shall appoint the Clerk of the Superior Court of such county, or some other competent and qualified individual, to act as judge of the juvenile court in the hearing of cases coming within the provisions of this Article, in which cases the child or children concerned therein reside in or are at the time within such county. The judge so appointed shall serve for a term to run concurrent with the term of the Clerk of the Superior Court, or the remainder of such term."

Sec. 2. G. S. 110-23 is hereby amended by inserting after the comma following the words "juvenile court" and before the word "or", in said Section, the words "or to the other appointed judge."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3½. This Act shall not apply to the following counties: Davie, Vance, Graham, Catawba, Onslow, Burke, Warren, Nash, Franklin, Caswell, Madison, Macon, Watauga, Halifax, Jones, Brunswick, Forsyth, McDowell, Randolph, Buncombe, Lenoir, Transylvania, Guilford, Haywood, Pitt and Person.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 334 CHAPTER 1044

AN ACT TO AMEND ARTICLE 4 OF CHAPTER 108 OF THE GENERAL STATUTES RELATING TO BOARDING HOMES FOR CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 108-77 is hereby amended by striking out in line 3 the words "needy and dependent" and inserting in lieu thereof the words "needy, dependent, and delinquent", and by striking out the words "needy and dependent" in line 9 and inserting in lieu thereof the words "needy, dependent, and delinquent".

Sec. 2. G. S. 108-79 is hereby amended by striking out in lines 2 and 3 the words "needy and dependent children in suitable boarding homes"

and substituting in lieu thereof "in suitable boarding homes, needy, dependent, and delinquent children".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 426 CHAPTER 1045

AN ACT TO AMEND G. S. 160-383 RELATING TO LIMITATIONS UPON THE PASSAGE OF A BOND ORDINANCE.

The General Assembly of North Carolina do enact:

Section 1. Section 160-383 of the General Statutes is hereby amended by inserting the following between the words "Health" and "or" in line 7 of subsection 2 of said Section: "or by the State Stream Sanitation Committee, which Board or Committee is hereby authorized to make such order,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 498 CHAPTER 1046

AN ACT TO AMEND CHAPTER 55 OF THE GENERAL STATUTES TO CLARIFY THE MEANING OF DOING BUSINESS WITH RESPECT TO CERTAIN FOREIGN CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 55, of the General Statutes is amended by adding a new Section immediately following G. S. 55-118, to be designated G. S. 55-118.1, and to read as follows:

"G. S. 55-118.1. Foreign Corporations, including without limitation banks, trust companies, and insurance companies, which do not maintain any regular office or employees within the State of North Carolina, shall not be deemed to be doing business in the State and shall not be required to domesticate by virtue of one or more of the following activities: (a) The commitment to purchase, the purchase, and ownership of notes secured by mortgages or deeds of trust upon property within the State; (b) The servicing of such mortgages or deeds of trust through independent agencies within the State; (c) Instituting and prosecuting suit or other legal proceedings within the State for the purpose of protecting, enforcing or collecting such notes, mortgages, or deeds of trust; (d) The conduct of foreclosure proceedings and sale in the event of default under the terms of such mortgages and deeds of trust; (e) The acquiring of property at

foreclosure sale, and thereafter, the management and rental of such property for a reasonable time while liquidating their investment which was secured by such mortgages or deeds of trust."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 502 CHAPTER 1047

AN ACT TO APPOINT JAMES D. ROGERS A JUSTICE OF THE PEACE FOR HAYESVILLE TOWNSHIP IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. James D. Rogers be, and he is hereby, appointed a Justice of the Peace for Hayesville Township in Clay County for a term of two years from and after the date of ratification of this Act; provided, that the said James D. Rogers may qualify for the office of justice of the peace at any time within sixty (60) days from and after the ratification of this Act.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 511 CHAPTER 1048

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF THE TARBORO CITY ADMINISTRATIVE UNIT AS A SPECIAL BOND TAX UNIT AND THE LEVY OF TAXES WITHIN SUCH UNIT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt of a petition, signed by not less than ten per cent (10%) of the qualified voters of the territory embraced within the Tarboro City Administrative Unit and described in such petition, praying that bonds and/or notes be issued under the provisions of this Act, the Board of County Commissioners of Edgecombe County shall order a special election to be held in such school district for the purpose of voting upon the question of issuing bonds and/or notes and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings, including gymnasiums, agricultural buildings, shops, school cafeterias and other

necessary buildings, and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the board of county commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records, which shall be conclusive of all the facts therein found and determined. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, unless the district or unit is coterminous with a city, town or township (in which event the notice shall so state), the maximum amount of bonds and/or notes to be issued, the purpose or purposes for which the bonds and/or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds and/or notes. The first publication of the notice shall be at least thirty (30) days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty (30) days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturday. The books of such new registration shall close on the second Saturday before election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballots, shall be in substantially the words: "For the issuance of $..... School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof," and "Against the issuance of $..... School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (X) mark. The petition herein provided for shall be filed with the Board of Commissioners of Edgecombe County and referred to the Board of Elections of Edgecombe County to determine the sufficiency thereof, and upon a finding by said board that the petition meets the requirements of this Section, the chairman of said board shall file a certificate to that effect with the Chairman of said Board of Commissioners of Edgecombe County.

Sec. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Edgecombe County, which board shall, as soon as practicable after

the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Edgecombe County as aforesaid and the other filed with the Clerk of the Superior Court of Edgecombe County. The Board of County Commissioners of Edgecombe County shall prepare a statement showing the number of votes cast for and against the bonds and/or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Sec. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds and/or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of results as provided in the preceding Section.

Sec. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds and/or notes and the levy of such tax, then the Board of Commissioners of Edgecombe County shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds and/or notes, which bonds and/or notes shall be issued in the name of the county, but shall be made payable exclusively out of the taxes to be levied in such district or such unit, except the Board of County Commissioners of Edgecombe County may pay from county funds any part of the principal and interest of said bonds and/or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners of Edgecombe County may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty (30) years after such date. No such installment shall be more than two and one-half (2½) times as great in amount as the smallest prior installment, of the same bond issue. The bonds and/or notes shall bear interest at a rate not exceeding six per cent (6%) per annum, payable semi-annually, and may have interest coupons attached, and may be made

registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the Chairman of the Board of County Commissioners of Edgecombe County, and the seal of the county shall be affixed to or impressed upon each bond and/or note and attested by the register of deeds or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds and/or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 5. The Board of County Commissioners of Edgecombe County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds and/or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds and/or notes.

Sec. 6. In the event the boundary lines of the territory embracing the Tarboro City Administrative Unit are hereafter changed or altered, this Act shall apply to and within the territory embracing said unit at the time of the filing of the petition and the holding of the election as provided for in this Act. No change or alteration of the boundary lines of said unit shall in any way affect the validity of this Act.

Sec. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds and/or notes, or any provisions of laws for the payment of bonds and/or notes issued under such powers, or for the custody of moneys provided for such payment.

Sec. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and/or notes and endorsements of such approval upon such bonds and/or notes and as to the sale of bonds and/or notes and the disposition of the proceeds, shall be applicable to the bonds and/or notes authorized by this Act. The proceeds shall be paid out only upon order of the Board of Trustees of the Tarboro City Administrative Unit.

Sec. 9. This Act shall apply only to Tarboro City Administrative Unit and Edgecombe County.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 513 CHAPTER 1049

AN ACT TO AMEND CHAPTER 143, ARTICLE 8, SECTION 129 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE LETTING OF PUBLIC CONTRACTS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 143, Article 8, Section 129, General Statutes of North Carolina is hereby amended by adding a paragraph between the eighth and ninth paragraphs to read as follows:

"The owning agency or the Budget Bureau may reject the bonds of any company against which there is pending any unsettled claim or complaint made by a State Agency arising out of any contract under which State funds were expended, provided such claim or complaint has been pending more than six months."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 514 CHAPTER 1050

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY TO PROMULGATE ORDINANCES, RULES AND REGULATIONS AS TO THE DUMPING AND DISPOSAL OF TRASH, GARBAGE AND OTHER REFUSE AND WASTE IN RURAL AREAS OF MECKLENBURG COUNTY OUTSIDE THE CORPORATE LIMITS OF ANY MUNICIPALITY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Mecklenburg County is hereby authorized and empowered, in its discretion, to issue, pass and promulgate ordinances, rules and regulations governing the removal, method or manner of disposal, depositing or dumping of any trash, debris, garbage, litter, discarded cans or receptacles or any waste matter whatsoever within the rural areas of Mecklenburg County and outside and beyond the corporate limits of any municipality of said county. A violation of any of the ordinances, rules or regulations issued, passed or promulgated under the authority of this Act shall be a misdemeanor, and upon plea of nolo contendere, or a plea of guilty, or upon a conviction, any offender shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty (30) days, and each week that any such violation continues to exist shall be a separate offense.

Sec. 1½. The provisions of this Act shall apply to Jackson, Gates, Polk and McDowell Counties as fully and completely as to Mecklenburg County, and wherever "Mecklenburg" is used in Section 1 of this Act it shall be construed to include "Jackson, Gates, Polk and McDowell Counties" also, for the purpose of bringing said counties within the provisions of this Act.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 516 **CHAPTER 1051**

AN ACT PROVIDING FOR THE PRESENTATION TO THE TAX SUPERVISOR OF TRANSYLVANIA COUNTY OF DEEDS AND OTHER INSTRUMENTS PRIOR TO REGISTRATION.

The General Assembly of North Carolina do enact:

Section 1. No conveyance of land, sale of standing timber, mining interest, or any sale of any interest in real property or any deed or instrument for the same, shall be registered in the office of the Register of Deeds of Transylvania County until said conveyance, sale, instrument or deed has been presented to the Tax Supervisor of Transylvania County to the end that he may note such transfer or make any notices as to such transfer for the records of his office, and upon endorsing said instrument to the effect that he has examined the same and such notices have been made, said conveyance, deed or other instrument may then be registered in the office of the Register of Deeds for Transylvania County. The Register of Deeds of Transylvania County shall not register any such instrument until said endorsement has been made by the said Tax Supervisor of Transylvania County, certifying that he has examined the same and made the proper notices on his records.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 528 **CHAPTER 1052**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF MECKLENBURG COUNTY TO PROMULGATE ORDINANCES, RULES AND REGULATIONS AS TO THE INDISCRIMINATE SHOOTING OF FIREARMS IN THE THICKLY-POPULATED AREAS OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Mecklenburg County is hereby authorized and empowered in its discretion to issue, pass and promulgate ordinances, rules and regulations governing the indiscriminate shooting of firearms around or about residences, settlements or thickly-populated areas of Mecklenburg County. A violation of any of the ordinances, rules or regulations issued, passed or promulgated under the authority of this Act shall be a misdemeanor, and upon plea of nolo contendere, guilty, or conviction, any offender shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty (30) days.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 346 **CHAPTER 1053**

AN ACT TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT AND THE NORTH CAROLINA WILDLIFE RESOURCES COMMISSION TO PERMIT THE USE OF DRUGS IN TAKING FISH FOR SCIENTIFIC PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Section 113-174.12 of the General Statutes is hereby amended by adding to the end thereof a new paragraph, to read as follows:

"The Director of the Department of Conservation and Development and the Executive Director of the N. C. Wildlife Resources Commission may issue permits for the taking of fish for scientific purposes by means of drugs from the waters under their respective jurisdictions. Such permits shall be issued only if the Director of the Department of Conservation and Development or the Executive Director of the North Carolina Wildlife Resources Commission, as the case may be, finds that the persons requesting the permits are qualified to handle the drugs and that the fish are to be used for proper scientific purposes. The permits shall set forth the conditions and limitations under which the drugs are to be used. Notwithstanding any other provisions of this Section or of law, it shall be lawful for any person to whom such permit was issued to take

fish by means of drugs in accordance with the conditions and limitations contained in the permit."

Sec. 2. Section 113-174.14 of the General Statutes is hereby amended by changing the first letter of the first word of the Section to an "i" in the lower case and by inserting at the beginning of the Section the following words: "Except as provided in G. S. 113-174.12,".

Sec. 3. Section 113-244 of the General Statutes is hereby amended by changing the first letter of the first word of the Section to an "i" in the lower case and by inserting at the beginning of the Section the following words: "Except as provided in G. S. 113-174.12,".

Sec. 4. (a) Section 113-245 of the General Statutes is hereby amended by changing the first letter of the first word of the Section to an "n" in the lower case and by inserting at the beginning of the Section the following words: "Except as provided in G. S. 113-174.12,".

(b) Section 113-245 of the General Statutes is further amended by changing the first letter of the first word of the second sentence of the Section to an "n" in the lower case and is further amended by inserting at the beginning of said second sentence the following words: "Except as provided in G. S. 113-174.12,".

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 690 CHAPTER 1054

AN ACT TO FIX THE MIGRATORY WATERFOWL SHOOTING HOURS IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The lawful shooting hours for taking migratory waterfowl in Hyde County shall be from one-half hour before sunrise until 4:00 o'clock in the afternoon of each day during the open season, except Sundays, provided that this Act shall not apply to Ocracoke Island nor the waters within ten (10) miles thereof. Any person who takes or attempts to take migratory waterfowl in Hyde County at any time other than during such lawful shooting hours shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty (30) days.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 700 CHAPTER 1055

AN ACT TO AMEND G. S. 97-2(b) TO PERMIT EXECUTIVE OFFICERS OF CORPORATE EMPLOYERS TO RECEIVE THE BENEFITS OF THE WORKMEN'S COMPENSATION ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 97-2(b) is hereby amended by striking out the last paragraph thereof and substituting in lieu therefor the following:

"Every executive officer elected or appointed and empowered in accordance with the charter and by-laws of a corporation, other than a charitable, religious, educational or other non-profit corporation, shall be an employee of such corporation under this Article.

"Any such executive officer of a charitable, religious, educational, or other non-profit corporation may, notwithstanding any other provision of this Article, be brought within the coverage of its insurance contract by any such corporation by specifically including such executive officer in such contract of insurance and the election to bring such executive officer within the coverage shall continue for the period such contract of insurance is in effect, and during such period such executive officers thus brought within the coverage of the insurance contract shall be employees of such corporation under this Article."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 745 CHAPTER 1056

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CARTERET COUNTY TO ORDER A REVALUATION OF PROPERTY FOR AD VALOREM TAX PURPOSES FOR THE YEAR 1956 AND THEREAFTER, AND TO PAY FOR SAME OUT OF THE GENERAL FUND.

WHEREAS, Carteret County has had no general revaluation of property, either real or personal, for many years; and

WHEREAS, there is urgent need for such revaluation and reassessment in order to equalize tax valuations throughout the county, thereby bringing to pass greater uniformity and equality in taxation; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Carteret County is authorized to order a revaluation and assessment of all taxable property in Carteret County, both real and personal, as of January 1, 1955, to apply to the tax year 1956, and subsequent thereto.

Sec. 2. The said board of commissioners is further authorized to employ such trained, expert and experienced personnel as may be neces-

sary to carry out the revaluation and reassessment provided for in this Act.

Sec. 3. The expense of such revaluation and reassessment shall be paid out of the General Fund of Carteret County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 785 CHAPTER 1057

AN ACT TO REWRITE G. S. 10-9 RELATING TO NOTARIAL SEAL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 10-9 is hereby rewritten to read as follows:

"G. S. 10-9. Notarial Seal.—Official acts by notaries public shall be attested by their proper signature and by their notarial seal."

Sec. 2. The provisions of this Act shall apply only to Guilford County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 849 CHAPTER 1058

AN ACT REWRITING SECTION 1 OF CHAPTER 51, PUBLIC LOCAL LAWS OF 1933, SO AS TO PROVIDE THAT MEMBERS OF THE BOARD OF COMMISSIONERS OF HERTFORD COUNTY BE NOMINATED ONE FROM EACH TOWNSHIP BY THE QUALIFIED VOTERS OF THE ENTIRE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 51, Public-Local Laws of 1933, be and the same is hereby rewritten to read as follows:

"Section 1. That at the primary or other mode adopted for the nomination of a Board of County Commissioners for Hertford County in the year 1956, and biennially thereafter, the qualified voters of the entire county shall vote for and nominate a suitable and qualified person residing in each of the six townships of Hertford County for county commissioner, and the persons so selected, one from each township, shall constitute the nominees of the political party selecting them in said county, to be voted for at the general election."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 876 CHAPTER 1059

AN ACT TO AMEND CHAPTER 962 OF THE SESSION LAWS OF 1949 RELATING TO THE JURISDICTION OF THE RECORDER'S COURT OF MOUNT AIRY TOWNSHIP IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 962 of the Session Laws of 1949 is amended by inserting after the comma following the word "Township" and before the word "Marsh" in line three of said Section the words "Stewart's Creek Township".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 877 CHAPTER 1060

AN ACT TO AMEND CHAPTER 962 OF THE SESSION LAWS OF 1949 RELATING TO THE ELECTION OF THE JUDGE AND SOLICITOR OF THE RECORDER'S COURT OF MOUNT AIRY TOWNSHIP, IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 962 of the Session Laws of 1949 is amended by adding a new Section immediately following Section 1 to be designated as "Section 1½" and to read as follows:

"Section 1½. R. S. Westmoreland, the present Judge of the Recorder's Court of Mount Airy Township, and Foy Clark, the present solicitor of said court, shall serve in such capacities until the general election in 1958, and until their successors are elected and qualified. At the primary and general elections to be held in Surry County in 1958, and quadrennially thereafter, at the time of the election of county officers, there shall be nominated and elected a Judge and a Solicitor of the Recorder's Court of Mount Airy Township, who shall serve in such capacity for a term of four years and until their successors are elected and qualified. At said elections, the Judge and Solicitor of the Recorder's Court of Mount Airy Township shall be voted on by the qualified voters of the Townships of Mount Airy, Dobson, Stewart's Creek, Marsh, Bryan and Elkin in Surry County. Any qualified electors of the Townships of Mount Airy, Dobson, Stewart's Creek, Marsh, Bryan and Elkin, in Surry County, shall be eligible for election as Judge or as Solicitor of the Recorder's Court of Mount Airy

Township and said primary and general elections shall be conducted by the Surry County Board of Elections and shall be held under, and governed and controlled by, the general laws of the State governing the election of county officials. Any vacancies occurring in the office of Judge or Solicitor of the Recorder's Court of Mount Airy Township shall be filled for the unexpired term by the Board of County Commissioners of Surry County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 883 CHAPTER 1061

AN ACT RELATING TO GIFTS OF SECURITIES TO MINORS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 33 of the General Statutes is amended by adding a new Article immediately following Article 11, to be designated as Article 12, and to read as follows:

"ARTICLE 12

"G. S. 33-68. This Article may be cited as the 'Gift of Securities to Minors Law' of North Carolina.

"G. S. 33-69. Definitions.

"(a) The term 'securities' or 'security' shall include any note, stock certificate, stock, treasury stock, bond, debenture, whiskey warehouse receipt, evidence of indebtedness, transferable certificate of interest or participation, certificate of interest in a profit-sharing agreement, any instrument representing any interest or right in or under any oil, gas or mining lease, fee or title, or rights or interests in land from which petroleum or minerals are, or are intended to be produced, certificate of interest in an oil, gas or mining lease, collateral trust certificate, any transferable share, investment contract, or beneficial interest in or title to property or profits or any contract or agreement in the promotion of a plan or scheme whereby one party undertakes to purchase the increase or production of the other party from the article or thing sold under the plan or scheme, or whereby one party is to receive the profits arising from the increase or production of the article or thing sold under the plan or scheme, or any other instrument commonly known as security.

"(b) A security is in 'registered form' when its terms specify a person entitled to the security or to the rights it evidences and specify that its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer.

"(c) A security is in 'bearer form' when it runs to bearer according to its terms and not by reason of any endorsement.

"(d) The term 'minor's family' as used in this Article means the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether

of the whole blood or the half blood, or by or through legal adoption.

"(e) The term 'legal representative' as used in this Article means, as may be appropriate in the circumstances, the executor, administrator, general guardian, or committee of the property of the person to whose legal representative reference is made.

"(f) The term 'guardian of the minor' as used in this Article means a guardian of the person or a guardian of the property of the minor, duly appointed in the State of North Carolina or in the State, territory or country where the minor was domiciled at the time of such appointment.

"G. S. 33-70. Gifts of securities to minors; how made.

"(1) Any adult person may make a gift of securities to a person who has not attained the age of twenty-one years on the date of the gift (hereinafter referred to as the 'minor') in the following manner:

"(a) Securities, if in registered form, shall be registered in the name of any adult member of the minor's family or in the name of any guardian of the minor, followed by the words 'as custodian, for.....,
(name of minor)
a minor."

"(b) Securities, if in bearer form, shall be delivered by the donor to any adult member of the minor's family, other than the donor, or to any guardian of the minor, accompanied by a deed of gift duly acknowledged in substantially the following form, signed by the donor and the person designated therein as custodian:

"DEED OF GIFT

"I, ..., do hereby deliver to.....
(name of donor) (name of custodian)
as custodian for....., a minor, the following security(ies):
(name of minor)
Principal amount $....., of the.....
(Description of security)
Serial number of security .....
or
Certificate No....., representing.....shares
of the..... stock of.....
(class or type of stock) (name of company)

.....
(signature of donor)

I, ... do hereby acknowledge receipt of the
(name of custodian)
above described security(ies).

.....
(signature of custodian)

Dated:.....

"(c) The person designated as a custodian under this Section is hereinafter called 'the custodian'.

"(2) A gift made in the manner prescribed in subdivision one of this

Section shall be irrevocable and shall convey to the minor indefeasibly vested legal title to the securities thus delivered, but no guardian of the person or property of the minor shall have any rights, duties or authority with respect to any property held at any time by the custodian under the authority of this Article unless said guardian shall himself be or become custodian in accordance herewith.

"G. S. 33-71. Rights, powers and duties of custodian.

"(1) (a) The custodian shall hold, manage, invest and reinvest the property held by him as custodian, including any unexpended income therefrom and the proceeds of sale thereof, as hereinafter provided. He shall collect the income therefrom and apply so much or the whole thereof and so much or the whole of the other property held by him as custodian as he may deem advisable for the support, maintenance, education and benefit of the minor. To the extent that property held by the custodian and the income thereof is not so expended, it shall be delivered or paid over to the minor upon the minor's attaining the age of twenty-one years, and in the event that the minor dies before attaining the age of twenty-one years it shall thereupon be delivered or paid over to the estate of the minor.

"(b) The custodian may sell, exchange, convert, or otherwise dispose of any and all of the securities or other property held by him in such manner and at such time or times, for such prices and upon such terms as he may deem advisable; he shall have the power in his sole and absolute discretion to retain any and all securities delivered to him within the meaning and under the authority of this Section without reference to the Statutes relating to permissible investments by fiduciaries; he shall invest the minor's property in such securities as would be acquired by prudent men of discretion and intelligence who are seeking a reasonable income and the preservation of their capital without reference to the Statutes relating to permissible investments by fiduciaries or hold part or all of the same in one or more bank accounts in his name as such custodian; he may vote in person or by general or limited proxy with respect to any securities held by him; he may consent directly or through a committee or other agent to the reorganization, consolidation, merger, dissolution or liquidation of any corporations, the securities of which may be held by him, or to the sale, lease, pledge or mortgage of any property by or to any such corporation.

"(c) In addition to the foregoing rights, powers and duties with respect to any securities or other property held by the custodian, the custodian, in his name as such custodian, shall have all the powers of management which a guardian of the property of the minor would have.

"(d) The custodian may execute and deliver any and all instruments in writing which he may deem advisable to carry out any of the foregoing powers. No issuer of securities, transfer agent, registrar or bank or other person acting on the instructions of any person purporting to be a custodian or donor shall be responsible for determining whether any person has been duly designated as a custodian under this Article, or whether any purchase, sale or transfer to or by any person as custodian

is in accordance with or authorized by this Article, or shall be obliged to inquire into the validity under this Article of any instrument or instructions executed or given by a person purporting to act as custodian or donor, or be bound to see to the application by any person purporting to act as custodian of any money or other property paid or delivered to him. All registered securities held by the custodian from time to time shall be registered in his name followed by the words 'as custodian for ....., a minor.' All other property held by the custodian
(name of minor)
for the minor under the authority of this Article shall be kept separate and distinct from the custodian's own personal funds and property and shall be maintained at all times in such a manner as to identify it clearly as the minor's property held by the custodian under the authority of this Article.

"(2) A person acting as custodian, other than a guardian of the property of the minor, shall receive no compensation for his services but shall be entitled to reimbursement from the property held by him as custodian for the reasonable expenses incurred in the performance of his duties hereunder. A guardian of the property of the minor, when acting as custodian under the authority of this Article, may receive such additional compensation for his services as guardian as he would be entitled to receive if the property held by him as custodian hereunder were held by him in his capacity as guardian, in addition to the other property of the minor held by him in that capacity.

"(3) A custodian who is not compensated for acting as such shall be under no obligation to give bond for the faithful performance of his duties and shall not be liable for any losses to the property held by him except such as are the result of his bad faith or intentional wrongdoing or result from his investing the minor's property in a manner other than as prescribed in paragraph (b) of subdivision one of this Section.

"G. S. 33-72. Resignation or removal of custodian; appointment of successor custodian.

"(1) No one other than an adult member of the minor's family or a guardian of the minor shall be eligible to become a successor custodian hereunder.

"(2) A custodian may petition the Superior Court of the county having jurisdiction of the minor, on such notice as the court may require, for permission to resign, and for the appointment of a successor custodian.

"(3) The donor, a parent of the minor or a guardian of the minor may at any time present to the Superior Court having jurisdiction of the minor a petition alleging that removal of the custodian will be in the best interests of the minor and, on such notice as the court may require, praying for an order requiring such custodian to show cause why he should not be removed. The court shall remove the custodian and appoint a successor custodian if it finds that such action will be in the best interests of the minor.

"(4) In the event of the death of a custodian before the minor attains the age of twenty-one years, the legal representative of the last acting

custodian, the donor, a guardian of the minor or any adult member of the minor's family may petition the Superior Court having jurisdiction of the minor, on such notice as the court may require, for the appointment of a successor custodian.

"(5) When any petition is made under this Section the court may require the custodian or his legal representative to account for the custodian's acts and proceedings and may order the custodian or his legal representative to deliver all property held by the custodian as such to the duly appointed successor custodian and to execute all instruments necessary to complete effective delivery of such property to the successor custodian.

"(6) Any successor custodian shall have all the rights, powers and duties of a custodian under the authority of this Article.

"G. S. 33-73. Accounting by custodian; when required. A minor after attaining the age of twenty-one years, a parent of the minor, a legal representative of the minor, or a successor custodian may petition the Superior Court having jurisdiction of the minor for an accounting by the custodian of his acts and proceedings as custodian. A custodian may not be required to account more than one year after the delivery or payment of the property held by the custodian to the minor after he has attained the age of twenty-one years, or to the estate of the minor, as required by subdivision one (a) of G. S. 33-71.

"G. S. 33-74. Interpretation of Article. This Article shall not be construed as providing an exclusive method for making gifts of securities to minors."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 912 CHAPTER 1062

AN ACT PROVIDING FOR THE EXERCISE OF POWERS BY POLICE OFFICERS OF THE TOWN OF ELLERBE IN RICHMOND COUNTY ANYWHERE WITHIN ONE MILE BEYOND THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That police officers of the Town of Ellerbe in Richmond County shall have in all that territory embraced within one mile in all directions of the present corporate limits of said town, all the powers and authority which they now exercise within the corporate limits of said town.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 916 CHAPTER 1063

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The following named persons be, and they are hereby appointed justices of the peace for their respective townships and counties in North Carolina, for a term of two years, said terms to begin on July 1, 1955, unless otherwise provided in this Act: Provided, that they may qualify at any time within ninety (90) days after the beginning of their term.

Alamance County

Patterson Township: J. C. B. Hester

Coble Township: L. H. Sutton, J. Ernest Crabtree

Boone Station: H. D. Lambeth, Sr., William Haley

Morton Township: C. L. Simpson

Faucette Township: J. C. Hall, W. C. Sartin

Graham Township: C. C. Bayliff, J. M. Buckner

Albright Township: Roy Holt

Newlin Township: Walter J. Stockard, Harold Braxton, W. M. Talbert

Thompson Township: George B. Bason, Adrian Jobe, R. B. Newlin

Melville Township: C. Dewey Covington, W. S. Harris, Sr., Norman Wood, L. C. Gardner

Pleasant Grove Township: Julian E. Sellars

Burlington Township: R. E. Harden, M. C. Loy, J. L. Oliver

Haw River Township: J. Manly Williamson

Alleghany County

Gap Civil Township: B. F. Wagoner

Anson County

Ansonville Township: Glenn K. Martin, J. D. Porter, T. E. Griffin

Burnsville Township: Samp Curlee, J. C. Edwards, J. P. Gaddy, Ray Lee, G. H. Parker

Gulledge Township: Jerome Adams, William R. Burr, Ben C. Jones, E. G. Jones, R. D. R. Little, Jesse R. Ratliff, W. C. Webb

Lanesboro Township: Tom W. Allen, James Austin, Ernest Caudle, Stephen Funderburk, C. W. Maness, L. W. Medlin, Frank McCollom, Robert Glenn

Lilesville Township: Beverly Allen, James Clark, J. G. Williams

Morven Township: Susan E. Braswell, W. E. Pratt, C. E. Ratliff, Marion T. Ratliff, Milton D. Stegall

Wadesboro Township: H. C. Gray

White Store Township: A. B. Collins, L. Huntley, Jr., John Leonard, Joe Lowery

Ashe County

North Fork Township: B. H. Duncan
Hurricane Township: Verrow Shepherd, A. A. Perry
Pine Swamp Township: A. H. Church
Obids Township: Robert Woodie
Jefferson Township: V. C. Lillard, W. H. McMillan
Peak Creek Township: R. L. Austin
West Jefferson Township: D. N. Pless, L. Albert Poe, W. L. Tucker

Avery County

Cranberry Township: Lucille T. Winters, Elbert McCoury, Bob Hobson, T. L. Harmon, John Grier
Linville Township: Frank Street, Sherman Bowman, Julian Forbes Greene, Ben Isaac, Lloyd Studderth, Finley Banner, J. L. Hartley, Carl Scott
Beech Mountain Township: Sam Ward, A. I. Greene, L. L. Cook
Toe River Township: Arizona Hughes, Zellian McCoury, D. Buchanan, Mrs. Josephine Buchanan
Altamount Township: P. L. Johnson, Joseph T. Bannon, Lee White.
Banner Elk Township: Henry Voncannon, Ralph Gautney, Lee Greer
Roaring Creek Township: Horton Cooper

Bertie County

Colerain Township: George W. Barker, D. T. Harmon, Jr., Lee O. Perry, H. R. Perry, W. S. Tayloe
Merry Hill Township: Claude Evans, Bernard L. Smithwick
Mitchell Township: W. G. Slade
Roxobel Township: J. G. Hall, Jerry Jilcott, C. H. Roberson
Whites Township: Brinkley Evans, W. R. Lawrence, Hubert White
Windsor Township: Lacy M. Early, O. W. Hale, John G. Hoggard, A. C. Mitchell, L. S. Mizelle
Woodville Township: C. L. Britton, Jack Burden
Snakebite Township: Henry Dempsey

Bladen County

Elizabethtown Township: H. C. Brisson, C. C. Campbell
Turnbull Township: G. F. Melvin
Cypress Creek Township: B. B. Royall
Bladenboro Township: J. O. Bullard
Brown Marsh Township: Wade Tart

Brunswick County

Lockwoods Folly Township: R. W. Cheers

Buncombe County

Asheville Township: Robert Russell

Burke County

Morganton Township: J. Roy Wacaster, T. Earl Franklin, Glen H. Walker

Icard Township: W. G. Johnson, D. A. Hutto, Henry M. Carpenter, Forest H. Berry, Boyd Owens

Lovelady Township: Arthur Talmadge Abernathy, O. D. Keener, John H. Causey

Jonas Ridge Township: W. M. Shuffler, Evelyn L. Poore

Drexel Township: L. B. Bollinger, Ervin A. Stamey

Lower Fork Township: Glenn P. Hoyle

Silver Creek Township: Maie Propst Lane

Lower Creek Township: W. S. Hallyburton

Upper Creek Township: W. A. Cook

Cabarrus County

Township #4: E. A. Johnston, I. T. Chapman, Baxter R. Yarborough

Camden County

Camden Township: R. L. Whaley, S. B. Seymore

Shiloh Township: W. B. Harrison

Caswell County

Anderson Township: D. O. Chandler, June Hurdle, I. W. Fitch

Hightowers Township: H. V. Clayton, L. L. Nelson, Joseph H. Warren

Pelham Township: William T. Gentry, W. M. Zimmerman, Roy A. Fowlkes, Charlie Morris

Dan River Township: H. P. Hunt, L. A. Goodson

Milton Township: J. V. Hudson, Arch Thomas, John Foster Pointer

Stony Creek Township: Clarence Matkins, H. T. Minor, W. D. Garrison

Locust Hill Township: G. R. Smith, W. A. Cobb

Chatham County

Bear Creek Township: W. T. Brooks

Cherokee County

Murphy Township: D. M. Reese, W. A. Boyd, J. W. O'Dell, Fred J. Hill, Fred Davis

Shoal Creek Township: Horace Brendle, Milt Verner, W. F. Hill

Marble Township: Royall T. Kilpatric

Beaver Dam Township: Walter Dockery, Cliff Rose, Lester Taylor

Valley Township: Carlyse Matheson, W. J. Barton

Notla Township: Milt Anderson, Clyde McNabb

Hot House Township: Jim Harris

Chowan County

1st Township: J. L. Wiggins, F. W. Hobbs

3rd Township: T. L. Ward

Clay County

Hayesville Township: James D. Rogers

Cleveland County

No. 5 Township: S. L. Dellinger, Dan T. Camp

Columbus County

Tatum Township: Raymond Kissam
Chadbourn Township: W. M. Andrews, T. S. Lewis
Whiteville Township: Italy Marlowe
Cerro Gorda Township: O. W. Williamson
Ransom Township: R. C. Applewhite, Lee V. Connor
South Williams Township: B. B. Courtney
Fair Bluff Township: W. A. Bracey

Dare County

Thomas H. Briggs, Jr.

Davie County

W. Shady Grove Township: Mary T. Robertson
Farmington Township: John F. Smith, John Francis Johnston

Durham County

Durham Township: Zalph A. Rochelle

Edgecombe County

No. 1 Township: B. M. Bass, Jr.
No. 10 Township: L. A. Maddox

These terms to commence on May 28, 1955, for a period of two years, provided they shall qualify within ninety (90) days of May 28, 1955.

Franklin County

Dunn Township: H. B. Harris, W. Horace Baker, J. B. Alford, M. C. Pearce
Harris Township: M. L. Fowler, Harry Rogers, B. F. Wilder
Youngsville Township: J. M. Young, A. E. Hall, Stephen Wiggins
Franklinton Township: Joe W. Pearce, Norris Collins, J. T. Sawyer
Hayesville Township: R. G. Winn, Jr., J. K. Weldon
Sandy Creek Township: J. L. Foster, George Foster, Hugh Moseley
Gold Mine Township: W. Edward Radford, Ennis Gupton, John A. Parrish
Cedar Rock Township: D. C. Swanson, T. W. Boone, Ernest Wheless
Cypress Creek Township: W. R. Vick, Avery Stallings, T. M. Harris
Louisburg Township: Ralph E. Beasley, E. C. Perry, W. C. Webb

Gaston County

Cherryville Township: Stephen Stroup

Gates County

Gatesville Township: Aaron L. Lilley
Hall Township: R. C. Cowper
Holly Grove Township: S. E. Riddick
Mintonsville Township: P. D. Hobbs

Guilford County

Morehead Township: Gilmer A. Thompson

Granville County

Sassafras Fork Township: G. E. Crutcher, Lee Campbell
Oxford Township: L. H. Davis
Walnut Grove Township: J. L. Williford, Louis Thorp, III
Oak Hill Township: R. C. Pittard, John S. Watkins
Brassfield Township: Walter B. Lane
Fishing Creek Township: James Howard
Salem Township: Wilson Day

Halifax County

Enfield Township: Kitchen Hines
Weldon Township: Graham Parker Johnson, C. E. Moss
Littleton Township: James W. Harvey
Halifax Township: W. L. Hux
Scotland Neck Township: B. F. Bracy
Hobgood Township: R. H. White

Harnett County

Anderson Creek Township: Ernest Darrock, W. E. Lassiter
Averasboro Township: George W. Williams, O. R. Pearce, A. B. Adams, George F. Owens.
Barbecue Township: G. L. Cameron, D. B. Holder
Black River Township: C. E. Denning, A. T. Brown, N. I. Dupree, W. B. Williams
Buckhorn Township: L. B. McKinnie, J. Leo Betts
Duke Township: Clarence Colville, G. W. Conard, L. B. McLean, James E. Glover, Fred W. Brown, John Page
Grove Township: Ralvin McLeod, C. J. Turlington, J. B. Williams
Hector's Creek Township: D. R. Smith, B. F. Kendall
Johnsonville Township: Ed J. Gilchrist, George A. McKay
Neill's Creek Township: J. B. Keith
Upper Little River Township: B. B. Holder, J. S. McLean, Dougald McRae, H. M. O'Quinn, W. H. Salmon

Haywood County

Ivy Hill Township: Norman Caldwell
Cataloochee Township: Mack Caldwell
Clyde Township: Larry H. Cagle
Crabtree Township: Gilbert Sanford
Beverdam Township: R. R. Mease, W. S. McElrath
Hines Creek Township: C. B. McCracken
Waynesville Township: J. J. Fergeson
Pigeon Township: Gaston Bernette
East Fork Township: Watt Howell
Jonathan Creek Township: R. W. Howell
Iron Dull Township: Manson Medford
Lake Junaluska Township: Ruell Noland

Hertford County
Ahoskie Township: J. N. Vann, J. Stanley Vinson
Murfreesboro Township: R. H. Underwood, J. J. Parker
Winton Township: P. S. Jordan, W. L. Daniel
St. Johns Township: H. T. Morris, C. R. Cooke
Harrellsville Township: George E. Myers

Hoke County
Mrs. Helen Snow Barrington

Iredell County
Turnersburg Township: A. M. Gaither
Fallstown Township: B. C. Howard, L. W. Hostetler
Sharpesburg Township: Henry Martin
Union Grove Township: R. F. Rash, H. P. Van Hoy
Eagle Mills Township: T. G. Wallace
New Hope Township: Roger Howell Redmond
Statesville Township: Samuel Thomas Laws

Jackson County
Cashiers Township: Lynch Dillard, C. G. Rogers
Canada Township: Milas Galloway, Joe Middleton
Caney Fork Township: J. C. Shuler, Oscar Lovedahl
Cullowhee Township: John Phillips, David H. Brown, Sr.
Dillsboro Township: Boyd Brown
Greens Creek Township: G. L. Green
Hamburg Township: Redell Breedlove
Mountain Township: Mrs. Pearl Stewart
Qualla Township: J. C. Hayes
River Township: J. H. Middleton
Savannah Township: John Deitz
Scotts Creek Township: George T. Knight
Webster Township: Henry Pangle

Jones County
Whiteoak Township: W. E. Raiford

Lee County
West Sanford Township: K. E. Seymour
Deep River Township: Jessie Sloan

Macon County
Millshoal Township: John Long
Franklin Township: J. R. Morrison, Sam J. Murray, C. C. Stamey
Highlands Township: C. F. McKinney, J. A. Hodges
Flats Township: Ray Dryman
Nantahala Township: J. R. Shields, Luther Jacobs

Madison County
Township #1: John Moore, Jr., Zeb Merrell, Garrett Metcalf
Township #2: B. G. Gunter, Leroy Shelton

Township #4: Floyd Wallin, Clyde Rice
Township #11: Fred Edmonds
Township #12: Al Buckner
Township #13: Kanie Smith
Township #15: Walter Bennett
Township #16: Everett Engle

Martin County

Jamesville Township: O. P. Wolfe
Williamston Township: J. D. Hassell, C. R. Mobley, W. M. Tetterton
Goosenest Township: J. B. Whitfield, W. E. Early
Robersonville Township: H. S. Everett
Hamilton Township: B. Frank Clark, J. D. Etheridge

Mitchell County

Bakersville Township: Brown McKinney, R. Burns Turner, W. H. Wilson, James H. DeGroat, D. H. Greene
Bradshaw Township: Charles Bradshaw, Jim Peterson
Herrell Township: Jeter Fry, D. W. Ledford, L. G. Gouge
Fork Mountain Township: Dewey Burleson
Little Rock Creek Township: Aught Burleson
Red Hill Township: Shelton Jarrett, Frank Jones, D. H. Peterson
Cane Creek Township: John Morgan, Jim DeGroat, Hazzen Ledford
Poplar Township: W. H. Peterson, Dan Peterson
Grassy Creek Township: Clyde Pritchard, W. L. McNeal, Clifton Gibbs
Snow Creek Township: Frank Garland

Montgomery County

Troy Township: R. B. Reynolds, J. C. Beckwith
Mt. Gilead Township: J. O. Russell
Candor Township: Fletcher Bost

Nash County

Drywells Township: D. H. Bunn, Jr.
Rocky Mount Township: W. S. Swain, Jr.

Northampton County

Gaston Township: G. A. Brewer, John C. Gay, J. W. Medlin
Jackson Township: W. E. Harris, L. T. Warrick, Howard Rogers
Kirby Township: Otis Ricks, D. W. Barnes
Occoneechee Township: W. C. Fleetwood
Pleasant Hill Township: Romie E. Coker
Rich Square Township: R. B. Benthall, Ralph H. Thompson, A. M. Futrell, James G. Collier, Walter R. Reinhard, Adriel Stephenson
Roanoke Township: R. V. Beale, W. F. Nelson
Seaboard Township: Z. L. Davenport

Onslow County

Jacksonville Township: J. J. Cole
Stump Pound Township: Paul S. Pate

Pamlico County

No. 1 Township: Herbert M. Harris

Pender County

Upper Union Township: J. Winfred Blanton

Caswell Township: Mrs. Katie S. Corbett

Person County

Allenville Township: Jeff O'Briant, Bradsher Gentry

Bushy Fork Township: N. H. Hester, Tom Monk

Cunningham Township: N. H. Montgomery, E. E. Tally

Flat River Township: J. O. Pearce, S. O. Jones

Holloway Township: S. W. Melton, W. J. Stigall, Mrs. Grace Gillis

Mt. Tirzah Township: R. P. Moore, Ben S. Glenn

Olive Hill Township: C. E. Winstead, Jr., Charles G. Nelson

Roxboro Township: C. L. Brooks, W. W. Woods, J. Broaddie Rigsbee, Alex Bass

Woodsdale Township: L. F. Guill, Jr., Mrs. Cleo Bailey

Pitt County

Farmville Township: W. J. Rasberry

Polk County

Cooper's Gap Township: Dennis H. Jackson

Tryon Township: J. B. McKaig

Richmond County

Marks Creek Township: Clarence R. Perry

Wolf Pitt Township: Virgil W. Wilson, William M. Childers

Rockingham Township: Edward G. Snipes

Robeson County

Fairmont Township: M. S. Griffin, R. C. Bullock, Ray Lewis

Lumberton Township: Alfred P. Page, John H. Taylor, B. F. McMillan, E. J. Glover, J. H. Barrington, A. B. Stalvey, Charles Morgret, Wallace R. Pittman, Leroy Freeman

Parkton Township: T. B. McNiell, R. S. Lawing

Red Springs Township: Robert W. Owens, Morrison Peterson

Rennert Township: Charles R. Tolar

Saddletree Township: Grady S. Harrell, W. P. Humphrey

St. Pauls Township: Lonnie Carroll, J. H. Brisson, Mrs. Elsie Simmons Inman

Wisharts Township: W. B. Parnell

Smyrna Township: Leroy Freeman

Rockingham County

New Bethel Township: W. G. Sharpe

Leaksville Township: J. S. Warren

Madison Township: P. H. Scales

Rowan County

Salisbury Township: Rachael C. Lucas, W. J. Burton, E. F. Weddington
Atwell Township: A. L. Deal
Mt. Ulla Township: Pauline R. Overcash
Gold Hill Township: C. W. Stiller
China Grove Township: Rufus Honeycutt, Robert G. Ellison, L. J. Brown, A. H. Spry

Sampson County

Honeycutt's #2 Township: C. J. Hope

Stanly County

North Albemarle Township: R. Parker Miller

Surry County

Dobson Township: Marvin Wilmoth
Siloam Township: B. E. Whitaker
Bryan Township: Scott Nixon

Swain County

Charleston Township: Q. J. Kendrick

Transylvania County

Boyd Township: Clarence Orr, Arnold Brown, L. F. Lyday
Cathey's Creek Township: R. K. Powell, Fred Barton
Eastatoe Township: Jack Fisher, D. L. Glazener, Robert Powell
Hogback Township: Eugene King, Frank Fisher, Harold McNeely
Brevard Township: H. B. Shiflit, E. P. McCoy, Henry Pierson
Dunn's Rock Township: Earle Parker, Richard Moore
Gloucester Township: Dillard Owen, Donald McCall
Little River Township: Otis Merrill, Herbert Heath, Jones Garren

Tyrrell County

Columbia Township: Henry L. Reynolds, J. W. Hamilton
Gum Neck Township: W. C. Liverman, R. B. Cohoon
Scuppernong Township: E. R. Davenport, W. W. Sawyer, Jr.

Union County

Monroe Township: R. F. Beasley, Frank T. Stowe, G. R. Montgomery, J. Emmett Griffin, Charles Sell, D. S. Griffin, J. Vernon Griffin, G. Max Long
Vance Township: O. L. Hemby
Goose Creek Township: H. C. Simpson, A. E. Little
Marshville Township: Jane M. McBryde, Fred L. Plyler, J. M. Edwards
New Salem Township: Z. K. Simpson, Fred C. Staton
Jackson Township: J. E. Bigham, F. A. Krauss, R. D. Sims
Lanes Creek Township: E. E. Huggins

Vance County

Henderson Township: Gordan Turner Bobbitt, R. N. Gupton, Fred B. Hight, Dave H. Stallings, Albert Burke, Ollie Harris, Charles P. Lowry, Sol W. Renn, J. D. Peck

Kittrell Township: T. T. Ellis
Sandy Creek Township: W. J. Bowen
Townsville Township: R. B. Taylor
Dabney Township: Garland Norwood
Williamsboro Township: C. H. Guerrant

Wake County

Middle Creek Township: James Frank Morris
Raleigh Township: Charles R. Frazer, James A. Shepard

Warren County

Warrenton Township: J. C. Moore, Edward Petar
Smith Creek Township: K. C. Severance

Washington County

Plymouth Township: C. M. Beasley, J. T. McNair
Lees Mill Township: Wade S. Hardison
Skinnersville Township: J. Whitford Swain
Scuppernong Township: J. A. Combs

Wayne County

Goldsboro Township: L. R. Cobb

Wilkes County

Boomer Township: Ralph Swanson
Beaver Creek Township: T. W. Ferguson
Edwards Township: J. H. White, Roger L. Harpe, Sr., B. Folger West, Henry F. Pepper, C. L. Sprinkle
Lewis Fork Township: Colin Foster
Mulberry Township: Stacy H. Jones
New Castle Township: C. W. Hanes
Reddies River Township: A. G. Bumgarner
North Wilkesboro Township: Mansfield Minton
Rock Creek Township: Harrison Felts, H. M. Wiles
Stanton Township: W. S. Fletcher
Somers Township: Sid Mahaffey, Phola Pardue
Traphill Township: W. F. Cooper
Union Township: A. R. Miller
Wilkesboro Township: Elsie Foster, Frances B. Somers, C. G. Glass, W. B. Warner

Yadkin County

East Bend Township: O. C. Scott
Liberty Township; N. P. Bryant, H. G. Draughn
Knobbs Township: Charlie Wolfe, Hubert Evans, D. L. Swaim, Buster Smith

Yancey County

Burnsville Township: G. M. Angel, Lewis Briggs, Jud Ray
Cane River Township: Rex Yelton, Willard Hensley
Egypt Township: Arney Pate, Bruce McIntosh

Ramseytown Township: R. E. Holloway, Rex Miller
Green Mtn. Township: J. C. Turner, Bill Foxx
Jacks Creek Township: Clyde Anglin, C. L. Byrd, Sr.
South Toe Township: L. M. Robinson, Ronda Westall
Brush Creek Township: Rasse Thomas, Nelson Woody
Crabtree Township: Troy Boone, Guy Young, W. B. Robinson
Pensacola Township: Mrs. Marie Ray, Cleophus Robinson, Sr.
Prices Creek Township: Harvey Phoenix, Charles Edwards

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 935 CHAPTER 1064

AN ACT TO AMEND SECTION 163-179 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TIME WHEN POLLS SHALL CLOSE IN A PRIMARY AND GENERAL ELECTION WHERE VOTING MACHINES ARE USED.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 163-179 be amended by adding a new sentence at the end of said Section as follows:

"Provided, that in all voting precincts in the State where voting machines are used, the Board of Elections of such county may permit the polls in such precincts to close at the hour of seven-thirty P. M."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1022 CHAPTER 1065

AN ACT VALIDATING ACTIONS HERETOFORE TAKEN IN RELATION TO SANITARY DISTRICTS IN BUNCOMBE COUNTY AND MAKING ARTICLE 6, CHAPTER 130, OF THE GENERAL STATUTES APPLICABLE TO BUNCOMBE COUNTY NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of Chapter 237, Public-Local Laws of 1927, as amended, all actions and proceedings heretofore had and taken under Article 6, Chapter 130, of the General Statutes by the Board of Commissioners for the County of Buncombe, by the State Board of Health, or by any officer thereof or by any other agency, board or officer

of the State in the formation and creation or the attempted formation and creation of any sanitary district in Buncombe County, and the formation and creation or the attempted formation and creation of any such sanitary district in Buncombe County, are hereby in all respects legalized, ratified, approved, validated and confirmed, and any such sanitary district in Buncombe County is hereby declared to be lawfully formed and created and to be in all respects a legal and valid sanitary district.

Sec. 2. Notwithstanding the provisions of Chapter 237, Public-Local Laws of 1927, as amended, or any other law, all the provisions of Article 6, Chapter 130, of the General Statutes shall hereafter apply to all sanitary districts in Buncombe County, and any and all sanitary districts hereafter created in Buncombe County shall be created under and pursuant to said Article 6; provided, however, that as to all sanitary districts heretofore created in Buncombe County under the provisions of said Chapter 237, as amended, the provisions of said Chapter 237, as amended, shall apply if and to the extent that such provisions conflict with the provisions of said Article 6, Chapter 130.

Sec. 3. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1040 CHAPTER 1066

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA TO CLARIFY THE USE OF VOTING MACHINES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 163-187.2 is amended by striking out therefrom the following proviso at the end of said Section:

"Provided that the county commissioners or governing body of any municipality may provide voting machines not to exceed five (5) in number for experimental use without submission to the voters of the county or municipality and the use of such machines shall be valid for all purposes as if they had been adopted. Voting machines may be adopted for use in different districts in the same county or municipality."

And the following proviso is substituted therefor:

"Provided that the provisions of this Section shall in no way limit or affect the right or authority of a County Board of Elections of any county, or the municipal authorities of any municipality, to adopt and purchase voting machines, either separately or in cooperation with the

county, for use in county or municipal elections held in this State as is provided in G. S. 163-187.1."

Sec. 2. That G. S. 163-187.5 is repealed in its entirety.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1120 CHAPTER 1067

AN ACT TO INCORPORATE THE TOWN OF LONG BEACH IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The inhabitants of the Town of Long Beach in Brunswick County, within the boundaries hereinafter established, are hereby incorporated under the name of the Town of Long Beach, and same is hereby created a body politic and corporate and shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina and other general laws of the State relating to cities and towns and all such provisions that are not inconsistent with this Act are hereby made a part of the same.

Sec. 2. The boundaries and corporate limits of said Town of Long Beach shall be as follows:

BEGINNING in the center of Randolph Street as shown on a map of Long Beach made by H. R. Hewett, surveyor, which map is duly recorded in the Office of the Register of Deeds of Brunswick County, North Carolina, in Map Book 2-½ at Pages 182 through 189, reference to which is hereby made, said beginning point also being located the following courses and distances from a stone marked US, which stone is located in the high water mark of the Atlantic Ocean and being designated as the southwest corner of what was formerly Ft. Caswell Military Reservation: North 71 degrees 29 minutes West 2640 feet, North 72 degrees 34 minutes West 2150 feet, North 73 degrees 46 minutes West 400 feet to the beginning point hereinbefore referenced as the center of Randolph Street and at a point where the center of Randolph Street intersects the high water mark of the Atlantic Ocean; runs thence from said beginning point and with the center of Randolph Street North 16 degrees 14 minutes East 196 feet to an iron pipe; runs thence North 16 degrees 14 minutes East 500 feet to the northern marsh line of the head of Davis Creek; thence in a westerly direction and with said northern marsh line a distance of approximately 6400 feet to a point where the center of Duplin Street projected would intersect said marsh line; thence South with the center of Duplin Street projected approximately 200 feet to the center of the run of the waters of Davis Creek; thence a westerly direction and with the center of the run of Davis Creek approximately 26,500 feet to a point where Davis Creek intersects Lockwood's Folly River; thence continuing in a westerly direction and with

the center of the run of Lockwood's Folly River approximately 7500 feet to Lockwood's Folly Inlet; thence South with center of said inlet to a point where the low water mark of Long Beach Strand projected eastwardly intersects said inlet; thence eastwardly with said projected low water mark to the low water mark of the Atlantic Ocean on Long Beach Strand; thence East and with said low water mark of the Atlantic Ocean approximately 40,000 feet to the place and point of BEGINNING, all according to a map of Long Beach, North Carolina, made by H. R. Hewett, surveyor, which map is duly recorded in the Office of the Register of Deeds of Brunswick County, North Carolina, in Map Book 2-½ at Pages 182 through 189, reference to which is hereby made.

Sec. 3. The governing body of the Town of Long Beach shall consist of a mayor and five commissioners. The following members of the governing body are hereby appointed to serve from June 1, 1955, until their successors are duly elected and qualified as hereinafter provided:

J. A. Woltz, C. C. Carr, L. P. McLendon, Jr., John R. Barnes, E. F. Middleton and E. M. Underwood, Jr.

Said appointees shall elect from their number one person to be mayor.

Sec. 4. In the last week of May, 1957, the Governor of the State of North Carolina shall appoint six commissioners for the Town of Long Beach, who shall be sworn in as such commissioners as soon after such appointment as is possible, by any person authorized to administer oaths and shall take office on June 1st, the date upon which their respective terms begin; provided, the Governor shall appoint only such persons to fill said offices as shall be recommended to him and who shall be selected as follows:

(a) On or before the first day of April, 1957, and biennially thereafter, any qualified voter desiring to become a candidate for Commissioner of the Town of Long Beach shall file with the clerk of said town their petition for said office, signed by at least three freeholders or legal residents of said town.

(b) On or before the 15th day of April, 1957, and biennially thereafter, there shall be forwarded by the Clerk of the Town of Long Beach, a ballot to every freeholder at their last known address and to registered legal residents of said town, said ballot containing the names of the persons so filing for the above stated offices. The ballots shall be properly marked as designated, and notarized by any person authorized to administer oaths and returned to the Chairman of the County Board of Elections of Brunswick County in a sealed envelope not later than six o'clock P. M., on the Tuesday following the first Monday in May, 1957, and biennially thereafter, said ballots to be then opened and tabulated at seven-thirty o'clock P. M., on said Tuesday, in the Office of the Clerk of the Town of Long Beach by the Chairman of the Brunswick County Board of Elections, said opening being public. The six persons receiving the highest number of votes for the office of commissioner shall be recommended for said office and shall serve for a term of four years or until their successors are duly appointed and qualified; provided, however, that at the municipal election to be held in May, 1957, the three commissioners appointed who received the largest number of votes shall serve for a term of four years and the other three

commissioners appointed shall serve for a term of two years. Thereafter, all commissioners duly appointed shall serve for a four-year term or until their successors are duly appointed and qualified.

Said commissioners shall elect from among their number one person to be mayor, who shall serve for a term of two years, or until his successor is duly appointed and qualified.

When the ballots have been opened and tabulated as hereinabove provided, the Clerk of the Town of Long Beach and the Chairman of the Brunswick County Board of Elections shall immediately forward to the Governor of the State of North Carolina the result of said balloting. The persons so appointed by the Governor shall constitute the governing body of said town and shall possess and be vested with all the powers and duties of cities and towns in this State.

For the purpose of holding office or casting ballots for town officers, a legal resident shall be considered to be a person whose residence is in the Town of Long Beach six months or more out of the year, thirty days of which immediately precedes the day fixed for election of town officers: Provided, that no person shall cast more than one ballot either as a freeholder or as a legal resident of the town.

Sec. 5. The Chairman of the County Board of Elections of Brunswick County shall receive for his services, in addition to such other compensation as he may receive, the sum of fifteen dollars ($15.00) for supervising the opening and tabulating of ballots. Said amount shall be paid by the Town of Long Beach and said town is hereby authorized, empowered and directed to pay such other necessary expense as may be incurred in carrying out the provisions of this Act.

Sec. 6. The governing body of said town may levy taxes for the fiscal year, July 1, 1955 to June 30, 1956, at any time after the effective date of this Act and do all other things preliminary to making such levy as is by law provided. The list of real and personal property and polls within the corporate limits of the Town of Long Beach as listed for taxation in Brunswick County as of January 1, 1955, and annually thereafter, shall be used by said town. Taxpayers may prepay said taxes at any time after the tax rate is fixed for 1955 and before October 1, 1955. Taxes collected pursuant to said levy may be expended for and during the fiscal year ending June 30, 1956, as well as for the ensuing year.

In 1956 and thereafter, said town shall be subject to the general laws of the State relating to the taxing powers of incorporated cities and towns.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after the first day of June, 1955.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1121 **CHAPTER 1068**

AN ACT TO AMEND CHAPTER 394 OF THE SESSION LAWS OF 1951, AS AMENDED, RELATING TO THE CITY OF GREENSBORO BOARD OF ALCOHOLIC CONTROL.

The General Assembly of North Carolina do enact:

Section 1. Section 6 (a) of Chapter 394, Session Laws of 1951, as amended, is hereby further amended by rewriting said subsection (a) of Section 6 so as to read as follows:

"6 (a) Twenty-seven per cent (27%) shall be allocated and distributed, upon the basis herein provided, to the General Funds of Guilford County and the municipal corporations, other than the City of Greensboro, located in said county, until they shall establish liquor control stores. The amounts distributable to said county and to each of said municipal corporations shall be determined upon the basis of population therein as shown by the latest Federal decinnial census; provided, however, the population of said county shall be the entire population of said county exclusive of the population of all of the municipal corporations located therein. Upon the establishing of liquor or alcoholic beverage control store or stores by any city or town located in Guilford County, other than the City of Greensboro, the distributive share of said profits which would be payable to such city or town during the period such stores are operated by any such city or town shall be paid by said board to City of Greensboro in the same manner and for the same purposes set out in subsection (b) of this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1127 **CHAPTER 1069**

AN ACT TO AMEND CERTAIN PROVISIONS OF CHAPTER 105 OF THE GENERAL STATUTES RELATING TO THE LISTING AND ASSESSING OF PROPERTY FOR AD VALOREM TAX PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-297 is amended by adding a new paragraph at the end thereof to be numbered paragraph number (15) and to read as follows:

"(15) All cotton while subject to transit privileges under Interstate Commerce Commission Tariffs."

Sec. 2. G. S. 105-316(1) is amended by adding a new sentence at the end thereof to read as follows:

"The provisions of this Section do not apply to cotton which is exempt from taxation under G. S. 105-297(15)".

Sec. 3. G. S. 105-317 is amended by adding a new sentence at the end thereof to read as follows:

"The provisions of this Section do not apply to cotton which is exempt from taxation under G. S. 105-297(15)."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1138 CHAPTER 1070

AN ACT TO FIX CERTAIN FEES OF THE SHERIFF OF CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In Craven County fees to be charged by the sheriff and/or his deputies, except as to such fees as are payable by said county, shall be as hereinafter set out:

For serving warrants, $2.50 per name

For serving capias, $2.50 per name

For serving claim and delivery, $3.50 and for each additional defendant, $1.00

For serving sci fa, $1.00 per name

For serving civil summons, $1.00 per name

For serving order, $2.00 per name

For serving notice, $2.00 per name

For serving subpoenas, $1.00 for each person served

For serving warrants of attachment and levy, $5.00

For serving execution for eviction, $2.00

For garnishment, $1.00 per name

For ejectment, $5.00

For collection under execution, five per cent (5%) of amount collected for the first $5.00 and two and one-half per cent (2½%) thereafter

For serving an order or writ not otherwise covered or provided for, $2.00

For summoning appraisers in homestead and personal property exemption, $6.00.

Sec. 2. Any fee not fixed herein shall be charged as is now provided by law in Craven County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1146 **CHAPTER 1071**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GRAHAM COUNTY, IN ITS DISCRETION, TO SUBMIT TO THE QUALIFIED ELECTORS OF SAID COUNTY THE QUESTION AS TO WHETHER OR NOT BONDS OF SAID COUNTY SHALL BE ISSUED FOR THE PURPOSE OF EXTENDING WATER AND SEWAGE FACILITIES ON A RENTAL BASIS TO COMMUNITIES AND INDUSTRIES IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any constitutional limitation or limitation provided by any general or special law, and notwithstanding any limitations as to net indebtedness, the Board of County Commissioners of Graham County is hereby authorized and empowered, in its discretion, to authorize the issuance of bonds of said county, in accordance with the provisions of the County Finance Act, as amended, and the Local Government Act, as amended, except for the provisions as to net indebtedness, for the purpose of extending and providing water and sewage facilities on a rental basis to communities and industries in Graham County, such as in the opinion of the Board of Commissioners of Graham County will best serve the purpose of promoting health and sanitation in such communities or in communities in, around and near to industries in said county, and for the further purpose of furnishing a water supply and/or water and sewage to any of the public schools in Graham County. The order, adopted pursuant to the County Finance Act, except as otherwise provided to authorize said bonds, shall take effect when approved by a majority of the qualified electors of Graham County, such majority to be a majority of those voting in an election as provided in the County Finance Act. The said Board of Commissioners of Graham County may submit said question in a general election or in a special election called for such purpose, and such special election shall be called, held, conducted, and the results thereof canvassed and determined in accordance with the County Finance Act and in the same manner as elections held under Article 9 of Chapter 153 of the General Statutes, as amended.

Sec. 2. That at the same time the said Board of Commissioners of Graham County, and along with the question of issuing bonds in such amount and denominations as the board of commissioners may determine, there shall be submitted the question of levying a sufficient tax for the purpose of paying off and discharging said bonds and the interest which may accrue thereon should a majority of the qualified electors of Graham County voting in said election approve the order authorizing said bonds and in favor of issuing said bonds. The form of the question shall be printed on a ballot furnished to each qualified voter at said election and shall be in substantially these words: "For the issuance of ———— dollars water and sewage bonds for the purpose of extending same to communities and industries in Graham County on a rental basis; for the further purpose of furnishing water supply and/or water and sewage to any public school in Graham County, and for the levying of a sufficient

tax for the payment of the principal and interest thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed upon one ballot containing squares opposite the affirmative and negative forms, in one of which squares the voter may make an (X) mark.

Sec. 3. The Board of County Commissioners of Graham County shall determine the amount of bonds to be voted upon according to its bond order, and if a majority of the qualified voters voting in said election favor the issuance of said bonds the said Board of County Commissioners of Graham County is hereby authorized, in its discretion, to do any and all things necessary and to apply the proceeds of said bond issue for the purpose of providing water and sewage facilities on a rental basis to communities and industries in said county; also for the further purpose of furnishing water supply and/or water and sewage to any of the public schools in Graham County, and said bonds when issued shall have the full faith and credit of said county which shall be deemed to be pledged for the punctual payment of the principal and interest on every bond issue by virtue hereof; and the Board of Commissioners of Graham County shall annually levy and collect a tax ad valorem on all the taxable property in the county sufficient to pay the principal and interest on all bonds issued under this Act. The said election may be held at any time fixed by the governing body of the municipality, and if submitted in a special election the same shall not be governed by any limitations of time before or subsequent to any general election.

Sec. 4. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings in connection therewith, or the right or duty to levy sufficient tax for the payment of the principal and interest of such bonds, shall be open to question in any court upon any ground whatever, except in an action or proceeding commenced within 30 days after the publication of such statement of results as provided under the law under which said election is held. The special tax authorized herein, should said bond order be approved in such election, shall be in addition to all other taxes authorized to be levied in said county and shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1148 **CHAPTER 1072**

AN ACT TO AMEND CHAPTER 151 OF THE PRIVATE LAWS OF 1895 RELATING TO THE NOMINATION AND ELECTION OF TOWN COMMISSIONERS OF THE TOWN OF GRIFTON IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 151 of the Private Laws of 1895, as amended by Chapter 819 of the Session Laws of 1945, is rewritten to read as follows:

"Sec. 2. The municipal officers of the Town of Grifton shall consist of a mayor and five commissioners. At the general municipal election to be held in Grifton on the first Monday in May, 1956, there shall be elected five town commissioners. At said election, the three candidates for commissioners receiving the highest number of votes shall be elected and shall serve for terms of two years each, and the two candidates for commissioners receiving the next highest number of votes shall be elected and shall serve for terms of one year each. Thereafter, at elections to be held in odd numbered years, as the terms of office of the commissioners expire, the two candidates receiving the highest number of votes shall be elected and shall serve for terms of two years each; and at elections to be held thereafter in even numbered years, the three candidates receiving the highest number of votes shall be elected and shall serve for terms of two years each. Vacancies on the board of commissioners for any cause shall be filled by the board from among their number for the unexpired term. Members of the board shall serve until their successors are elected and qualified. Elections held hereunder shall be called and held annually on the first Monday in May."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1152 **CHAPTER 1073**

AN ACT AMENDING SECTION 130-37 OF THE GENERAL STATUTES RELATING TO THE MEMBERS OF SANITARY DISTRICT BOARDS.

The General Assembly of North Carolina do enact:

Section 1. That Section 130-37 be and the same is hereby amended by inserting the following paragraph after the second paragraph thereof:

"Prior to the election of a sanitary district board by the board or boards of county commissioners or prior to the election of the members of a sanitary district board at any general election, the board or boards of county commissioners may by resolution determine that such sanitary district board shall consist of five members, freeholders within such dis-

trict. In such case, when more than ten candidates for membership on such sanitary district board qualify for a primary, then the ten candidates receiving the highest number of votes in the primary shall be nominated as candidates to be elected in the next general election, and the five candidates receiving the highest number of votes in the general election shall be elected as members of said sanitary district board; when ten or less candidates qualify for the primary, then each shall be declared to be a candidate in the general election without their names being voted upon in the primary. The primary and general election shall be nonpartisan, and each shall be conducted by the board of elections in the county in which the sanitary district is located. The said board of elections is authorized and empowered to cause a special election to be held at such time or times as it may designate, if necessary to break a tie between any candidates in the primary or general election."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1157 CHAPTER 1074

AN ACT FIXING THE MAXIMUM SUPPLEMENTAL TAX RATE IN THE SOUTHERN PINES ADMINISTRATIVE SCHOOL UNIT OF MOORE COUNTY AT 60c ON THE $100.00 VALUATION OF TAXABLE PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. In the Southern Pines Administrative School Unit of Moore County the maximum rate of tax for supplementing the current expense fund budget that may be voted under the provisions of Article 14, Chapter 115 of the General Statutes, shall be sixty cents (60c) on the one hundred dollars ($100.00) valuation of real and personal property taxable within said administrative unit.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1184 CHAPTER 1075

AN ACT TO AMEND G. S. 1-339.72, AS THE SAME APPEARS IN VOLUME 1A OF THE GENERAL STATUTES OF NORTH CAROLINA, VALIDATING CERTAIN JUDICIAL FORECLOSURES AND OTHER SALES IN NASH COUNTY AS TO PUBLICATION OF NOTICE.

The General Assembly of North Carolina do enact:

Section 1. All sales of real property under execution, deed of trust, mortgage or other contracts made since February 21, 1929, where notice of the original sale was published for four successive weeks, and notice of any resale published for two successive weeks shall be and the same are in all respects validated as to publications of notice.

Sec. 2. This Act shall apply to Nash County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1187 CHAPTER 1076

AN ACT TO REGULATE AND MAKE UNLAWFUL THE BURNING OF WOOD WASTE MATERIAL NEAR ANY MILL SITUATED WITHIN ONE-QUARTER OF ONE MILE OF ANY FOREST MATERIAL.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for anyone manufacturing lumber, shingles or any other forest products to destroy wood waste material by burning it at any mill situated within one-quarter of one mile of any forest material. It shall be unlawful for anyone to destroy any wood waste material by fire within any burner or destructor operated at or near any mill, and situated within one-quarter of one mile of any forest material, or to operate any power producing plant using in connection therewith any smokestack, chimney or other spark emitting outlet, without installing and maintaining on such burner or destructor or on any such smokestack, chimney, or other spark emitting outlet a safe and suitable device for arresting sparks. Upon plea of guilty, nolo contendere, or upon conviction of a violation of any of the provisions of this Act the person entering such pleas, or the person convicted, shall be punished in the discretion of the court.

Sec. 2. That this Act shall apply to Martin County only.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1189 CHAPTER 1077

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MITCHELL COUNTY TO HAVE A REVALUATION OF THE TAXABLE PROPERTY OF THE SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Mitchell County is hereby authorized and empowered, in its discretion, to have a revaluation and reassessment of the real property of Mitchell County for ad valorem tax purposes. The procedure and methods affecting such revaluation, reassessment and listing shall be governed by the provisions of Chapter 105 of the General Statutes, as amended. The said board of county commissioners is hereby authorized to select and employ appraisers and experts for purposes of said revaluation in such number as in the discretion of the board shall be deemed to be sufficient and shall be vested with all of the powers provided for revaluation and reassessment as are provided by Chapter 105 of the General Statutes, as amended.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1193 CHAPTER 1078

AN ACT TO ALTER THE PROCEDURE FOR SELLING FISHING NETS AND OTHER APPLIANCES ILLEGALLY USED.

The General Assembly of North Carolina do enact:

Section 1. Section 113-140 of the General Statutes is hereby amended by deleting therefrom all of the second sentence of the Section and by inserting in lieu thereof the following:

"They shall seize and remove all nets or other appliances set or being used or that have been used in violation of the fisheries laws of the State. Such nets and appliances may be stored either in the county in which they were seized or in the county in which the Commissioner of Commercial Fisheries maintains his principal headquarters. Such nets or other appliances shall be sold at public auction in the county where stored after advertisement for twenty (20) days at the courthouse and three other public places in the county in which the seizure was made. If the nets or other appliances are to be sold in a county other than the one in which they were seized, such advertisement shall be made in the county where the nets or other appliances were seized and similar advertisement shall also be made in the county where the nets or other appliances are to be sold. The proceeds of sale shall be applied to the payment of the costs and expenses of such removal, and any remaining balance shall be paid into the school fund of the county in which the violation was committed."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1199 CHAPTER 1079

AN ACT AMENDING CHAPTER 376, PUBLIC LOCAL LAWS OF 1913, RELATING TO FINES, FORFEITURES AND FEES COLLECTED BY THE POLICE COURT OF THE TOWN OF CLYDE IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 17 of Chapter 376, Public-Local Laws of 1913, be and the same is hereby amended by striking out the last sentence of said Section and by adding at the end of said Section the following:

"The same fees shall be taxed for the service of process in said court as those allowed in similar proceedings before justices of the peace. All fees taxed for the service of process by salaried officers shall be paid into the general fund of said town. The police justice of said court shall file monthly with the County Accountant of Haywood County a detailed monthly report of all fines and forfeitures collected by said court and shall furnish the Board of Education of Haywood County a copy of said report."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1210 CHAPTER 1080

AN ACT TO AMEND SECTIONS 7-274, 7-288, 7-331 AND 7-350 OF THE GENERAL STATUTES AS THE SAME APPLY TO CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 7-274 of the General Statutes of North Carolina is hereby amended by striking from the counties listed therein to which a portion of said Section is not applicable the word "Craven".

Sec. 2. That Section 7-288 of the General Statutes of North Carolina is hereby amended by striking from the counties listed therein to which a portion of said Section is not applicable the word "Craven".

Sec. 3. That Section 7-331 of the General Statutes of North Carolina is hereby amended by striking from said Section the word "Craven" in line 3.

Sec. 4. That Section 7-350 of the General Statutes of North Carolina

is hereby amended by striking from the second line of said Section the word "Craven".

Sec. 5. That it is the intent and purpose of this Act to make the provisions of Articles 30, 31, 33 and 34 of Chapter 7 of the General Statutes of North Carolina applicable in all respects to Craven County and said Articles are hereby in all respects made applicable to Craven County.

Sec. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1211 CHAPTER 1081

AN ACT TO AMEND SECTION 7-265 OF THE GENERAL STATUTES AS THE SAME RELATES TO THE ESTABLISHMENT OF GENERAL COUNTY COURTS.

The General Assembly of North Carolina do enact:

Section 1. That Section 7-265 of the General Statutes of North Carolina is hereby amended by striking from said Section the words "twenty thousand" in line 7 and by inserting in lieu thereof the words "fifteen thousand".

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1212 CHAPTER 1082

AN ACT REWRITING G. S. 52-12 AND TO PROVIDE FOR ADDITIONAL PARTIES AUTHORIZED TO TAKE EXAMINATIONS THEREUNDER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 52-12, as the same appears in the 1953 Supplement to Volume 2A of the General Statutes, be and the same is hereby rewritten to read as follows:

"G. S. 52-12. Contracts of wife with husband affecting corpus or income of estate.—(a) No contract between husband and wife made during their coverture shall be valid to affect or change any part of the real estate of the wife, or the accruing income thereof for a longer time than three years next ensuing the making of such contract, or to impair or change the body or capital of the personal estate of the wife, or the accruing income thereof for a longer period than three years next ensuing the making of such contract, unless such contract is in writing, and is

acknowledged before a certifying officer who shall make a private examination of the wife according to the requirements formerly prevailing for conveyance of land.

(b) The certifying officer examining the wife shall incorporate in his certificate a statement of his conclusions and findings of fact as to whether or not said contract is unreasonable or injurious to the wife. The certificate of the officer shall be conclusive of the facts therein stated but may be impeached for fraud as other judgments may be.

(c) Such certifying officer must be a Justice of the Supreme Court, a Judge of the Superior Court, a Clerk, Assistant Clerk, or Deputy Clerk of the Superior Court, or a Justice of the Peace, or the equivalent or corresponding officers of the State, territory or foreign country where the acknowledgment and examination is made.

(d) This Section shall not apply to any judgment of the Superior Court, which, by reason of its being consented to by a husband and his wife, or their attorneys, may be construed to constitute a contract between such husband and wife."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1214 CHAPTER 1083

AN ACT AMENDING H. B. NO. 546, RATIFIED ON MAY 3RD 1955, SO AS TO REMOVE THE COUNTIES OF ANSON, ASHE, BLADEN, PENDER, SAMPSON AND SCOTLAND FROM THE PROVISIONS OF SAID ACT.

The General Assembly of North Carolina do enact:

Section 1. That H. B. No. 546, ratified on May 3rd 1955, be and the same is hereby amended by adding at the end of Section 1 thereof the following:

"Provided that this Act shall not apply to the counties of Alexander, Anson, Ashe, Bladen, Cumberland, Davidson, Lee, Pender, Sampson, Scotland, Wayne and Rockingham".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1220 **CHAPTER 1084**

AN ACT RELATING TO THE NUMBER OF STOCKHOLDERS NECESSARY TO CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT STOCKHOLDERS MEETINGS OF CERTAIN NONPROFIT CEMETERY CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any conflicting provision of law or of the charter or bylaws of any corporation affected by this Act, in the case of any nonprofit cemetery corporation chartered prior to the year 1900 whose charter has expired prior to the effective date hereof, a quorum at any meeting of stockholders called for the purpose of electing directors, or of amending the charter of such corporation, or both, shall consist of the holders of ten per cent (10%) or more of the outstanding shares of the capital stock of such corporation having voting powers, present in person or represented by proxy; and a meeting of the stockholders of such corporation for such purpose or purposes may be called by any two stockholders after ten days notice by registered mail to all stockholders of record at their last known addresses as shown by the stock book of such corporation. The concurrence of a majority of the shares represented at such meeting shall be sufficient to authorize an amendment or amendments to the charter of such corporation in accordance with the provisions of G. S. 55-31.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1238 **CHAPTER 1085**

AN ACT TO ESTABLISH A COUNTY LAW LIBRARY IN DUPLIN COUNTY.

WHEREAS, an adequate court library is necessary and desirable for the use of the courts and the court officials in said county; and

WHEREAS, the establishment of a court library in Duplin County will promote the best interests of the litigants and citizens of said county; and

WHEREAS, it is desired to provide for the proper equipment, books and records, and for the proper support and maintenance of said library; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Clerk of the Superior Court, the President of the Duplin County Bar Association, the Chairman of the Library Committee of the Duplin County Bar Association and the Auditor of Duplin County, and their successors in office be, and they are hereby constituted custodian

of all books, supplies, equipment, and property of the court library, which shall be kept and maintained for the County of Duplin and for the use of the courts and court officials of said county.

Sec. 2. All books, equipment, supplies and property of said library shall be the property of the County of Duplin, and the said county is authorized to hold said property, and the custodian, or its agent, is authorized to add thereto by gift, donation, purchase and otherwise, such books of law and legal reference, supplies and equipment as may be reasonably necessary and proper for an adequate court library.

Sec. 3. The custodian of said library shall prescribe such reasonable rules and regulations for the use, control and management of said library, as may be deemed proper, and any violation of such reasonable rules and regulations by any person shall constitute a misdemeanor, the person violating same shall forfeit and pay ten dollars ($10.00) to the library fund hereinafter provided for.

Sec. 4. In order to provide a fund for the equipment, maintenance, and support of the said library, in every civil action or special proceeding instituted in the Superior Court of Duplin County, where costs are paid in advance, one dollar ($1.00) shall be taxed and paid to the clerk of the court to be set aside and designated as a Court Library Fund; and all other civil actions or special proceedings tried or disposed of in the Superior Court of said county shall be taxed one dollar ($1.00) for said Court Library Fund, when costs are collected or paid to the said clerk; and, in like manner, there shall be taxed and paid the sum of one dollar ($1.00) for every criminal case in the Superior Court, of Duplin County, and in the General County Court of Duplin County, in which costs are paid by the defendant, and if any other court shall be established in the County of Duplin, exercising jurisdiction above that of a justice of the peace, there shall be collected in such courts, the sum of one dollar ($1.00) for the Court Library Fund, in each civil and criminal case, as prescribed herein. The Court Library Fund shall be paid by the Clerk of the Superior Court to the Auditor of Duplin County monthly, and shall be deposited by said auditor in a bank designated by the custodian for that purpose, and shall be used solely for the purpose of equipping, maintaining and operating said library. All checks drawn on said account shall be signed by the Chairman of the Library Committee of the Duplin County Bar Association, and countersigned by the Auditor of Duplin County, and it shall be the duty of the auditor to keep a correct account of all receipts and disbursements in connection with said funds.

Sec. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1242 CHAPTER 1086

AN ACT TO PROVIDE FOR ADDITIONAL COSTS IN THE MAYOR'S COURT OF THE TOWN OF BAILEY.

The General Assembly of North Carolina do enact:

Section 1. The Mayor's Court of the Town of Bailey, Nash County, is hereby authorized to add to the bill of costs in all criminal cases where there has been a plea or a verdict of guilty to an offense which is within the final jurisdiction of the Mayor's Court, the sum of two dollars ($2.00), which shall be in addition to the bill of costs now authorized by law. The funds so derived shall be used for the purpose of supplying the municipal jail of said town with mattresses, blankets, and linens and keeping the same properly clean and laundered and maintaining the said jail in a sanitary and respectable condition.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1244 CHAPTER 1087

AN ACT TO AMEND G. S. 105-422 SO AS TO MAKE THE STATUTE OF LIMITATIONS BARRING TAX LIENS APPLICABLE TO LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-422, as it appears in the 1953 Supplement to the General Statutes, is amended by striking out the word "Lee" between the words "Iredell" and "Lenoir" as the same appears in said Section; provided, this amendment shall not apply to pending litigation.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after January 1, 1956.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1245 CHAPTER 1088

AN ACT TO AMEND CHAPTER 435 OF THE SESSION LAWS OF 1949 SO AS TO PERMIT SANFORD CEMETERY COMMISSION TO INVEST FUNDS BELONGING TO SAID CEMETERY COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 435 of the Session Laws of 1949 is rewritten so as to read as follows:

"The said Sanford Cemetery Commission shall have the right to accept

any grant, lease, loan or devise of real estate given for cemetery purposes to the Town of Sanford, or any gift or bequest of money, or any donation, the same to be used, either principal or interest, for the purpose of maintenance and perpetual care of the cemeteries of the Town of Sanford."

Sec. 2. Chapter 435 of the Session Laws of 1949 is further amended by adding a new Section immediately following Section 5, to be designated as Section 5½, and to read as follows:

"Sec. 5½. The Sanford Cemetery Commission shall have full right and authority to invest all funds belonging to said cemetery commission, in stocks, bonds or securities from funds in the hands of the town treasurer belonging to said Sanford Cemetery Commission, and such funds shall be paid out for the purchase of said stocks, bonds or securities upon authorization of said Sanford Cemetery Commission and not otherwise; and upon such authorization, it shall be the duty of the Treasurer of the Town of Sanford to issue vouchers or checks against such cemetery funds for the purchase of such securities authorized as aforesaid. Securities so purchased may be issued in the name of Sanford Cemetery Commission, and when issued in the name of Sanford Cemetery Commission, the same shall only be transferred or disposed of by Sanford Cemetery Commission, signed in the name of Sanford Cemetery Commission by the chairman and secretary of said commission, and the Sanford Cemetery Commission shall have full power and authority to make contracts for the purchase of and contracts for the sale of any securities owned by the Sanford Cemetery Commission and consummate such purchase or sale in its discretion."

Sec. 3. Chapter 435 of the Session Laws of 1949 is amended by adding a new Section to be designated as Section 5¾, and to read as follows:

"Sec. 5¾. The Sanford Cemetery Commission shall have authority to elect a chairman and secretary, and meetings of the said cemetery commission may be had upon twenty-four hours notice by either the chairman of the commission or the secretary of the commission and the majority of the members shall constitute a quorum for the transaction of any business that may come before the said commission."

Sec. 4. All laws and clauses of laws in conflict with this Act as so amended are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1256 CHAPTER 1089

AN ACT TO PROVIDE FOR THE DRAWING OF JURORS IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That for each term of the Superior Court for Henderson County, except the March term, 36 jurors shall be drawn for the first week and 30 for the second week; and that for the March term of each

year 50 jurors shall be drawn for the first week and 36 for the second week.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1257 CHAPTER 1090

AN ACT RELATING TO THE FILING OF PAPERS BY THE CLERK OF THE SUPERIOR COURT OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of the Superior Court of Rockingham County shall not accept for probate or recordation any papers or documents, with the exception of holographic wills, executed after the effective date of this Act unless there shall appear on the instrument following the words "Drawn by" the signature of the person who drafted said papers or documents, or unless in some other manner the draftsman shall be designated thereon; except such instruments as are prepared in other counties of North Carolina or other states or countries, and in those instances there shall appear on the papers, documents, or instruments "not drawn in Rockingham County", or words of similar import; or it shall otherwise appear on said papers, documents and instruments that the same were drawn outside of Rockingham County; provided, that any of the aforementioned papers, documents and instruments shall be allowed for probate where any of the following shall be established by affidavit:

(1) After due diligence the draftsman cannot be determined or located.

(2) The draftsman, though known, refuses to sign said instrument, and the affidavit shall disclose the name and address of such draftsman.

(3) Any party to the instrument is dead.

(4) Any party to the instrument is under physical or mental disability or infirmity.

(5) Any party to the instrument is a corporation and the charter of such corporation has been cancelled or suspended and it no longer exists. Such affidavit shall be attached to the instrument to be probated and recorded and the clerk shall not be required to pass on the sufficiency and authenticity of the affidavit. The clerk shall collect an additional one dollar and fifty cents ($1.50) for recording the affidavit; provided, this Act shall not apply to any pleading or other document filed in any civil action or special proceeding.

Sec. 2. This Act shall not affect the validity of any paper, document or instrument coming under the provisions of this Act but shall implement the enforcement of the General Statutes relating to the unauthorized practice of law.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1266 CHAPTER 1091

AN ACT TO AUTHORIZE AND EMPOWER THE CITY OF DURHAM TO CREATE AND ESTABLISH A CAPITAL RESERVE FUND, AND TO MAKE CERTAIN APPROPRIATIONS TO SAID FUNDS AND TO PROVIDE FOR THE WITHDRAWAL AND USE OF SUCH FUNDS FOR PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

WHEREAS, municipalities should be encouraged where possible to finance capital improvements from budget appropriations rather than from borrowing; and,

WHEREAS, the authority to set apart and earmark current revenues in capital reserve funds for future improvements would enable municipalities to meet minor improvements on a pay-as-you-go basis where the cost of borrowing would be high in comparison to the cost of the improvement, and would enable municipalities to meet all or part of the cost of major improvements on a pay-as-you-go basis so as to conserve their borrowing capacity; and, now, therefore,

Section 1. This Act may be cited as The Capital Reserve Act of the City of Durham.

Sec. 2. In this Act, the following terms shall have the following meanings: "Municipality" means the City of Durham; "Governing Body" means the City Council of the City of Durham; "Necessary Expenses" means the necessary expense referred to in Section 7 of Article VII of the Constitution of North Carolina.

Sec. 3. In addition to all other funds now authorized by law, the municipality is hereby authorized and empowered to establish and maintain a Capital Reserve Fund in the manner hereinafter provided.

Sec. 4. When the governing body of the City of Durham elects to establish a Capital Reserve Fund, it shall pass an ordinance creating the Fund. In such ordinance, the governing body may provide specifically that all or a part of the Fund shall be used for any one or more of the purposes enumerated in the following Sections, or it may provide that all or a part of the Fund shall be used for any of such purposes as may later be deemed necessary by the governing body. Thereafter the governing body may from year to year make appropriations in the general fund of such municipality for deposit to such Capital Reserve Fund. In the ordinance creating the Fund, the governing body shall designate some bank, banks, or trust company as depository in which the appropriations to the Capital Reserve Fund shall be deposited and earmarked for the use of such Capital Reserve Fund. All such deposits shall be secured as provided by Ch. 159-28. Pending their use for the purposes hereinafter provided, all or any portion of such monies may be invested in either bonds, notes or

certificates of indebtedness of the United States of America; or in bonds or notes of any agency or instrumentality of the United States of America the payment of principal and interest of which is guaranteed by the United States of America; or in bonds or notes of the State of North Carolina; or in bonds of any county, city or town of North Carolina which have been approved by the Local Government Commission for the purpose of such investment; or in shares of any saving and loan association organized and licensed under the laws of the State, or in shares of any Federal savings and loan association organized under the laws of the United States with its principal office in this State, to the extent that such investment is insured by Federal deposit insurance. The proceeds of the sale or realization of such investments and any interest resulting from such investments shall be deposited to the credit of the Capital Reserve Fund.

Sec. 5. Withdrawals of all or any part of a Fund may be made from such Capital Reserve Fund at any time, or from time to time, and applied to or expended for all or any portion of the cost of the following, all of which are hereby declared to be necessary expenses; and such cost shall be deemed to include land, easements, rights in land, water rights, contract rights, franchises, and equipment used or useful in connection with any of the following:

a. Systems, plants, works, instrumentalities, and properties used or useful in connection with the obtaining of a water supply and the collection, treatment, and disposal of water for public and private uses.

b. Systems, plants, works, instrumentalities, and properties used or useful in connection with the collection, treatment, and disposal of sewage, waste and storm water.

c. Plants and equipment used or useful in connection with the collection or disposal of ashes, garbage, or refuse other than sewage.

d. Constructing or reconstructing roads, streets, highways, bridges, or culverts, whether including or not including contemporaneous constructing or reconstructing of sidewalks, curbs, gutters, or drains, and whether including or not including grading.

e. The elimination of any grade crossing or crossings and improvements incident thereto.

f. Fire engines, fire trucks, police cars, fire or police alarm systems, and other automotive equipment, and fire stations and police stations.

g. Buildings and equipment for buildings used in housing departments of the municipality.

h. Cemeteries.

i. Perpetual care funds for cemeteries.

j. Reserve for self-insurers for Workmen's Compensation and other types of insurance.

Sec. 6. In addition to appropriations from sources derived from taxation, as elsewhere herein provided, the governing body is authorized and empowered to make appropriations to the said Capital Reserve Fund from revenues and monies derived from sources other than taxation, which said

funds may be used for any public purpose deemed advisable by such governing board.

Sec. 7. The governing body shall provide that proper records be kept so that at all times the amounts remaining in the Capital Reserve Fund derived from taxation and the amounts therein derived from sources other than taxes will be clearly set forth.

Sec. 8. Before any withdrawal is made, the governing body shall by resolution authorize such withdrawal. It shall specify the amount of such withdrawal, and the purpose or purposes for which such amount shall be spent. If the ordinance creating the Fund provides specifically for the use of the Fund for one or more purposes, no withdrawal shall be made for any other purpose except in accordance with the provisions of Section 10. Any resolution authorizing withdrawal shall be adopted at a regular or special meeting of the governing body and shall then be published at least once in each of two successive weeks in some newspaper published in the municipality, and such resolution shall not become effective until thirty days after the date of first publication. No right of action or defense founded upon the invalidity of such resolution shall be asserted, nor shall the validity of the resolution be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the date of first publication.

Sec. 9. In the event that an emergency arises which in the opinion of the governing body involves the health, safety, or welfare of the inhabitants of the municipality, necessitating the immediate expenditure of all or any portion of such Capital Reserve Fund for one or more of the purposes for which the Fund was created, a withdrawal may be made from the Fund by resolution of the governing body without publication as provided for in the preceding Section. Such resolution shall declare that an emergency exists and set forth such facts as are necessary to show that such emergency does exist.

Sec. 10. In the event that the ordinance creating the Capital Reserve Fund provides that it shall be used for one or more enumerated purposes, and changed conditions make it necessary to use all or any part of such Fund for some other purpose, the governing body may by resolution authorize a withdrawal for such other purpose. Such resolution shall declare that changed conditions make it necessary to use all or any part of such Fund for such other purpose and set forth such facts as are necessary to show that such changed conditions do exist. The resolution shall be adopted and published in accordance with the provisions of Section 8. No right of action or defense founded upon the invalidity of such resolution shall be asserted, nor shall the validity of the resolution be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the date of first publication.

Sec. 11. In addition to the powers granted in the foregoing Sections, the governing body of such municipality is hereby authorized to establish a Capital Reserve Fund with the net revenue derived by the municipality in any fiscal year from the operation of any revenue producing enterprise owned by the municipality after paying all expenses of operating, man-

aging, maintaining, repairing, enlarging and extending such enterprise: Provided, that before any such net revenue is deposited to such Capital Reserve Fund, the net revenue must first be applied to payment of interest and principal payable in the next succeeding fiscal year on bonds issued for such enterprise, as required by Section 160-397. If the governing body elects to establish such a Capital Reserve Fund, it shall pass an ordinance creating the Fund and providing that deposits may be made thereto from time to time as the governing body may deem advisable from the net revenue of the enterprise as defined in the preceding sentence. A separate Capital Reserve Fund shall be established for each enterprise: Provided, that where a water system and a sanitary sewer system are operated as a combined and consolidated system in the manner provided by law, one Capital Reserve Fund may be established to receive deposits of the net revenues of both. The governing body shall designate in the ordinance creating any such Capital Reserve Fund some bank, banks, or trust company as depository in which such net revenues shall be deposited and earmarked for the use of such Capital Reserve Fund. All such deposits shall be secured, and they may be invested, as provided in Section 4 of this Act.

Sec. 12. If any Section or part of this Act is declared to be invalid for any reason, such declaration shall not affect the remaining portions, and it is declared to be the legislative intent that such remaining portions would have been enacted separate and apart from that portion so declared to be invalid.

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1268 CHAPTER 1092

AN ACT TO AMEND CHAPTER 569 OF THE PUBLIC-LOCAL LAWS OF 1913, AND ALL ACTS AMENDATORY THERETO RELATING TO THE MUNICIPAL COURT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. GENERAL PURPOSE. The purpose of this Act is to provide rules and regulations for the trial of civil cases in the municipal court of the City of High Point (hereinafter referred to as "said court") wherein the sum demanded, exclusive of interest, or the value of the property in controversy, does not exceed two thousand dollars ($2,000.00), including, but not limited to, actions to enforce liens provided for by Chapter 44 of the General Statutes of North Carolina, entitled "Liens", and actions for recovery of personal property. It is not intended to apply to actions wherein the sum demanded, exclusive of interest, or the value of the property in controversy, exceeds two thousand dollars ($2,000.00), or to divorce actions, or injunction proceedings where such actions or proceed-

ings are not ancillary to pecuniary relief in an amount not exceeding two thousand dollars ($2,000.00), exclusive of interest. Unless otherwise specifically provided herein, the laws, rules and regulations now applicable to said court shall remain in full force and effect.

Sec. 2. SERVING OF PROCESS. (a) It is the intent of this Act that in any case where this court has jurisdiction of the cause of action the process of the court may run anywhere within the State.

Sec. 3. PROSECUTION BOND; CASH DEPOSIT. No prosecution bond shall be required in any action instituted in said court wherein the sum demanded, exclusive of interest, or the value of the property in controversy, does not exceed two thousand dollars ($2,000.00), but, at the time of the commencement of any action, the plaintiff shall pay to the clerk of said court costs in accordance with the following schedule, which entire cost shall accrue to the City of High Point:

(1) In all actions where no provisional or ancillary remedy is sought $6.00

(2) In all cases where a provisional or ancillary remedy is sought, an additional fee of $1.00

Sec. 4. SUMMONS. (a) Issuance; Direction. Every summons shall be issued in the name of the State of North Carolina by the clerk or assistant clerk of said court, or in the name of the clerk by a deputy, and shall be directed to the sheriff or other lawful officer of Guilford County or of any other county, as the case may require.

(b) Statement of Cause of Action. Every summons shall state briefly the nature of the cause of action in which the same is issued and the amount sought to be recovered. No action shall be dismissed for failure of the summons to state the cause of action sufficiently but the judge may in such case, as provided in Section 5 of this Act, require the plaintiff to file a written pleading.

(c) Time for Trial or for Appearance and Pleadings. In those cases where no written complaint is filed, the summons shall direct the defendant or defendants to appear in said court at an hour and upon a day and at a place designated for the trial of the action as fixed by the clerk which day shall not be earlier than the third day and not later than the thirtieth day after the date of the summons. In those cases where a written complaint is filed pursuant to the plaintiff's election as provided by Section 5, the summons shall direct the defendant to appear and answer not later than twenty days from service of the summons. In those cases where the summons runs outside of Guilford County the provisions of subsection (d) of Section 5 shall apply.

(d) Seal. Every summons or other process to be served or executed outside of Guilford County shall be sealed with the seal of said court, but no summons or other process to be served within Guilford County need be so sealed.

(e) Service of Summons. The summons shall be served and returned as provided by law for the service and return of summons issued from the Superior Court, except that, in those cases where the summons fixes the date for trial at a time less than ten days from the date of the summons,

the summons shall be effective only until the date fixed for the trial, and if not served within that time shall be returned with the officer's return of non-service thereon. Upon the return of any summons to the court the clerk shall report to the attorney for the plaintiff, if the name of the attorney appears on the summons, the date of service on each defendant, or if service was not obtained on any defendant the fact thereof; but failure of the clerk to make such report shall not invalidate the service of the summons.

(f) Extension of Life of Summons. All summons issued but not served may be served as is now or may hereafter be prescribed by law for the extension of the life of a summons issued from the Superior Court.

(g) Summons Out of County. In conformity with the provisions of General Statutes 1-97, when any summons runs outside of Guilford County the summons shall be governed by the laws and rules applicable to actions in the Superior Court.

(h) Service by Publication. Service by publication may be had as provided by law for service by publication in actions in the Superior Court.

Sec. 5. PLEADINGS. (a) Unless ordered by the judge, and except in cases where the plaintiff, as hereinafter provided, elects to file a written complaint, it shall not be necessary to file written pleadings in any action in said court; provided, however, the judge, in his discretion, may order written pleadings to be filed in any action in the court.

(b) The plaintiff or plaintiffs, however, in any action may elect at the time of the institution of the action to file a written complaint, in which event the defendant or defendants shall within twenty days from service of summons, or within twenty days from the final determination of any motion required to be made prior to the time for filing answer expires, file in writing answer or other pleading. In the event no written answer or other pleading is filed within the required time, judgment by default final, or by default and inquiry, may be rendered in the same form and manner as now provided by law in the Superior Court, except that such judgments may be rendered at any time after the expiration of the period in this subsection provided.

(c) In any case where the judge deems it proper he may, upon his own motion or upon application by any party or his attorney, and without notice to any other party, require any plaintiff or defendant to file written pleadings within such time as the judge may, in his discretion, specify.

(d) When the summons runs outside of Guilford County written pleadings shall be required and shall be subject to and governed by the laws and rules applicable to actions in the Superior Court.

Sec. 6. TRIAL. (a) The judge of said court shall hear and determine all such civil actions instituted in said court, or removed to said court, and there shall be no trial by jury in said court of said civil actions set forth in Section 1 hereof.

(b) In all cases where a trial is to be had upon written pleadings filed by the parties, the judge shall fix the time for the trial, and the clerk shall notify the parties or their attorneys of the time so fixed.

Sec. 7. COSTS TAXED. (a) In every case disposed of under this Act

the court costs shall be taxed as provided under existing law unless otherwise specifically provided herein.

(b) Every return to a notice of appeal shall show therein the costs taxed in the court, and upon final determination of the appeal the Clerk of the Superior Court shall include such costs in the costs taxed in that court.

Sec. 8. APPEAL TO SUPERIOR COURT. From any judgment rendered in said court in any such civil action, any party may appeal to the Superior Court of Guilford County, High Point Division, where the trial shall be de novo. The appellant, upon perfecting an appeal to the Superior Court from any judgment rendered in said court, shall, as a condition precedent to the perfection of his appeal, give the prosecution bond as required of plaintiffs instituting suits or actions in the Superior Court.

Sec. 9. PROCEDURE WITH RESPECT TO APPEAL. (a) The procedure with respect to appeals to the Superior Court in such civil actions shall be as follows:

(1) The appealing party must give notice of appeal in open court at the time the judgment is rendered or serve written notice of appeal on the opposing party, or his attorneys, and on the clerk of said court;

(2) Secure from that clerk a return to the notice of appeal and pay the cost therefor;

(3) Pay the Clerk of the Superior Court of Guilford County such fees and advance deposits as may be required by law; and

(4) File the prosecution bond when required under Section 8 of this Act. Whereupon the Clerk of the Superior Court of Guilford County shall docket the appeal of the action for trial de novo in the Superior Court.

(b) Such of the foregoing acts as may be necessary for the perfecting of an appeal to Superior Court of Guilford County may be done at any time within fifteen days after the date of the judgment appealed from and said appeal must be perfected within fifteen days after the date of the judgment appealed from.

Sec. 10. RULES OF COURT. The judge of said court shall have full power to regulate by rules of court all matters of practice not herein provided for and not provided for by existing law. All rules of court made by authority of this Section shall from time to time be printed and made available for distribution to the members of the bar and the public.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1274 **CHAPTER 1093**

AN ACT AUTHORIZING AN OFFICIAL COURT REPORTER FOR NASH COUNTY, IN THE SEVENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. The Resident Judge of the Seventh Judicial District is hereby authorized and empowered to appoint an official court reporter for Nash County, in said district, who shall serve at the will of the Resident Judge, and whose appointment may be terminated by 30 days' written notice thereof.

The appointment of such reporter shall be filed in the office of the Clerk of the Superior Court of Nash County, and the same, or a certified copy thereof, shall be recorded by said clerk on the minute docket of his court.

Before entering upon the discharge of the duties of said office, said reporter shall take and subscribe an oath in words substantially as follows: "I, ..., do solemnly swear that I will, to the best of my ability, discharge the duties of the office of court reporter in and for the County of Nash in the Seventh Judicial District, and will faithfully transcribe the testimony offered in said courts as the Presiding Judge may direct, or as I may be required to do under the law, so help me, God." Such oath shall be filed in the office of the Clerk of the Superior Court of Nash County and recorded and indexed on the minute docket of said court.

If on account of sickness, or for other cause, said reporter is unable to attend upon any of the regular courts of said county, and for conflict and special terms, the Resident Judge may appoint a reporter pro tem. for said court or courts, and said appointment shall appear upon the minutes of said term, and said reporter shall take and subscribe the oath referred to above, which oath shall be filed with the clerk. In lieu of appointing a reporter pro tem. for each of said courts, the Resident Judge may, in his discretion, appoint a reporter pro tem. for a stated period whose duty it shall be to report any and all courts in the county which the regular court reporter is for any cause unable to report.

The Resident Judge shall likewise fix the compensation to be received by such reporter and such reporter pro tem.: Provided, however, such compensation shall not exceed one hundred dollars ($100.00) per week and actual expenses.

The testimony taken and transcribed by said court reporter or said court reporter pro tem., as the case may be, and duly certified, either by said reporter or the Presiding Judge at the trial of the cause, may be offered in evidence in any of the courts of this State as the deposition of the witness whose testimony is so taken and transcribed, in the same manner, and under the same rule governing the introduction of depositions in civil actions.

Sec. 2. This Act shall apply only to Nash County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1277 CHAPTER 1094

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY TO LICENSE AND REGULATE THE OPERATION OF JUNK YARDS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Lee County is authorized to regulate and license, by ordinance, the operation of junk yards within the limits of said county.

Sec. 2. Any person, firm or corporation violating the provisions of any ordinance passed under the provisions of this Act shall be guilty of misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1283 CHAPTER 1095

AN ACT TO PROVIDE FOR THE BOARD OF COMMISSIONERS OF PITT COUNTY TO DETERMINE THE FEES TO BE CHARGED BY THE DEPARTMENTS OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Pitt County is hereby authorized and empowered to set and prescribe, by resolution, from time to time the fees which shall be charged and collected by the office of the Register of Deeds; the Clerk of the Superior Court, and the Sheriff of Pitt County, including jail fees; for services; for issuance of summons and other process, probation, registration, and recordation of instruments required or permitted by law to be registered and recorded and issued and for all other services rendered by any department of the county. The present schedule of fees shall remain in full force and effect until changed by resolution duly adopted by the Board of Commissioners.

Sec. 2. The fees required hereunder to be charged and collected shall be made known to the public when changed by a schedule of fees posted in the Pitt County Courthouse.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1307 CHAPTER 1096

AN ACT TO AMEND CHAPTER 168 PUBLIC-LOCAL LAWS 1939, AS AMENDED BY CHAPTER 292, PUBLIC-LOCAL LAWS OF 1941, AS AMENDED BY CHAPTER 79, SESSION LAWS OF 1945, RELATING TO THE ACQUISITION, ESTABLISHMENT AND OPERATION OF THE RALEIGH-DURHAM AIRPORT.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 168 Public-Local Laws of 1939, as amended by Chapter 292, Public-Local Laws of 1941, as amended by Chapter 79, Session Laws of 1945, is hereby amended by striking out Section 7 thereof and substituting in lieu thereof the following:

"Sec. 7. The board appointed as herein provided by the governing bodies of said municipalities and counties shall act in an administrative capacity and shall be vested with the following authorities and powers; and it is hereby authorized and empowered:

"(a) To establish, construct, control, lease, maintain, improve, operate and regulate joint airports and landing fields; to have complete authority over any airport or landing field jointly acquired, established, or constructed by said municipalities and counties represented on said board.

"(b) To adopt, repeal, amend, and re-adopt rules, regulations, laws and ordinances not inconsistent with this Act, as amended, for its own government, management and operation, and for the government, control, administration, management and operation of the Raleigh-Durham Airport, and the users thereof, including persons, firms and corporations using the said airport, or any of its facilities, as tenants, licensees, invitees or as members of the general public.

"(c) To lease (without the joinder in the lease agreements of the owning municipalities, to wit, the Counties of Wake and Durham, and the Cities of Raleigh and Durham) for a term not to exceed 15 years, and for purposes not inconsistent with the grants and agreements under which the said airport is held by said owning municipalities, real or personal property under the supervision of or administered by the said Authority.

"(d) To contract with persons, firms or corporations for terms not to exceed 15 years, for the operation of airline-scheduled passenger and freight flights, non-scheduled flights, and any other airplane activities, not inconsistent with said grant agreements under which the airport property is held by the owning municipal corporations, and to charge and collect reasonable and adequate fees, charges and rents for the use of such property or for services rendered in the operation thereof.

"(e) To operate, own, control, regulate, lease or grant to others the right to operate any airport premises, restaurants, apartments, hotels, motels, agricultural fairs, tracks, motion picture shows, cafes, soda foun-

tains, or other businesses, amusements or concessions for a term not exceeding 15 years, as may appear to said Authority advantageous or conducive to the development of said airport.

"(f) To erect and construct buildings, hangars, shops and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property of the airport is held; to lease the same for a term or terms not to exceed 15 years; to borrow money for use in making or paying for such improvements and facilities, secured by and on the credit only of the lease agreements in respect thereto, to pledge and assign such leases and lease agreements as security for loans herein authorized.

"(g) In addition to the power to borrow money hereinbefore authorized, to borrow money for operating expenses, to become due, not in excess of 12 months from the date of such loan, repayable solely from operating revenues only; provided the gross amount of such loans at any one time outstanding shall not exceed the sum of ten thousand dollars ($10,000.00); and provided further, that this paragraph shall not be interpreted to exclude loans contemplated in the paragraph next above utilized for the erection of permanent improvements to the property.

"(h) To expend funds appropriated from time to time by said municipalities and counties, jointly or severally, for joint airport purposes, and to appropriate and expend for airport purposes funds received by it from fees, charges, rents and dues arising out of the operation of said airport, the facilities, improvements and concessions located thereat or operated thereon.

"(i) To enter into contracts and to pledge the credit of the said Airport Authority to the extent herein authorized; provided, however, that neither said Airport Authority nor the individual members thereof shall have authority to pledge the credit of or contract for the City of Raleigh, the City of Durham, the County of Wake, the County of Durham, or either of them.

"(j) To contract and deal with the Civil Aeronautics Authority of the United States Government and any other representative or agency of said government relating to the grading, constructing, equipping, improving, maintaining and operating of airports and landing fields acquired under the authority of this Act.

"Sec. 8. A majority of the Raleigh-Durham Airport Authority shall control its decisions. Each member of the board, including the chairman, shall have one vote. The board shall elect annually in April, from among its members, a chairman, a vice chairman, a secretary and treasurer. In the absence of rules of the board in respect thereof, the board shall meet at such places and times as the chairman shall designate. Each member of said board shall take an oath of office to faithfully perform his duties.

"All members of said board who are full-time officials or full-time employees of either of the municipalities or counties shall serve without compensation. Members of said board who are not full-time officials or full-time employees of either said municipality or county shall be paid a per diem of ten dollars ($10.00) for each day served in attending the meeting

of said board, and in addition thereto shall be reimbursed for actual necessary expenses incurred in attending the meetings, including actual traveling expenses or in allowance of five cents (5c) per mile where such member uses his personally-owned automobile.

"The board is hereby authorized and empowered in its discretion to fix a reasonable salary for the secretary of said board whether or not such secretary is an official or full-time employee of said municipalities or counties.

"Sec. 9. The Raleigh-Durham Airport Authority shall in no case be liable for damages for injuries to persons or property caused by or growing out of fueling, refueling or servicing any airplane at said airport."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 60 CHAPTER 1097

AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO DRINK OR HAVE IN HIS OR HER POSSESSION ANY BEER, WINE, OR WHISKEY, OR OTHER INTOXICATING BEVERAGE IN OR UPON CHURCH, CEMETERY OR SCHOOL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to drink, or have in his or her possession, any beer, wine, whiskey, or other intoxicating beverage, in or upon any property or premises customarily used or held for church, cemetery or school purposes. Provided, this Act shall not apply to wine held or used for sacrament purposes.

Sec. 2. All persons violating any of the provisions of this Act shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty days.

Sec. 2½. Provided that the provisions of this Act shall apply only to Mecklenburg County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

S. B. 62 **CHAPTER 1098**

AN ACT TO PROVIDE FOR PAYING THE NECESSARY TRAVEL EXPENSES OF MEMBERS OF COUNTY BOARDS OF EQUALIZATION AND REVIEW REQUIRED TO MAKE SPECIAL INVESTIGATIONS AS MEMBERS OF COMMITTEES OF THAT BOARD.

The General Assembly of North Carolina do enact:

Section 1. Section 105-327 of the General Statutes is amended by striking out paragraph (d) of subsection (7) thereof, and by inserting in lieu thereof the following:

"(d) The board may appoint committees, composed of its own members or other persons, to assist it in making any investigations necessary in its work. It may also employ expert appraisers in its discretion. The expense of employing persons other than board members and the expense of employing expert appraisers shall be borne by the county. The county shall also bear the travel expenses incurred by board members who serve on such committees. Provided, that the board may, in its discretion, require the taxpayer to pay the cost of any appraisal by experts demanded by him when said appraisal does not result in material reduction of the valuation of the property appraised and where such valuation is not subsequently reduced materially by the board or by the State Board of Assessment."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 2½. This Act shall apply only to the following counties: Guilford, Nash, Edgecombe, Cabarrus, Warren, Wilkes, Person and Lincoln.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

S. B. 289 **CHAPTER 1099**

AN ACT REQUIRING PERSONS OF FULL AGE TO MAINTAIN AND SUPPORT THEIR PARENTS WHEN SUCH PARENTS HAVE INSUFFICIENT MEANS AND ABILITY TO SUPPORT THEMSELVES, AND PROVIDING FOR A PENALTY FOR VIOLATION THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Article 40 of Chapter 14 of the General Statutes is amended by adding a new Section immediately following G. S. 14-326, to be designated as G. S. 14-326.1, and to read as follows:

"G. S. 14-326.1. Parents - Failure to Support. If any person being of full age, and having sufficient income after reasonably providing for his or her own immediate family shall, without reasonable cause, neglect to maintain and support his or her parent or parents, if such parent or parents be sick or not able to work and have not sufficient means or ability to maintain or support themselves, such person shall be deemed guilty of

a misdemeanor, and, upon conviction, shall be fined or imprisoned in the discretion of the court.

"If there be more than one person bound under the provisions of the next preceding paragraph to support the same parent or parents, they shall share equitably in the discharge of such duty."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

S. B. 308 CHAPTER 1100

AN ACT TO AMEND CHAPTER 105 OF THE GENERAL STATUTES SO AS TO PROVIDE FOR A FIVE-YEAR AMORTIZATION ALLOWANCE FOR INCOME TAX PURPOSES, IN LIEU OF DEPRECIATION, WITH RESPECT TO INDUSTRIAL WASTE TREATMENT AND WATER POLLUTION ABATEMENT PLANTS AND EQUIPMENT, AND TO EXEMPT THE SAME FROM AD VALOREM PROPERTY TAXATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-147 is hereby amended by inserting a new subsection therein to be designated as "8¼", and to read as follows:

"8¼. In lieu of any depreciation allowance pursuant to this Section, at the option of the taxpayer, an allowance with respect to the amortization of the cost of any sewage or waste treatment plant, including waste lagoons, and pollution abatement equipment purchased or constructed and installed which reduces the amount of water pollution resulting from the discharge of sewage and industrial wastes or other polluting materials or substances into streams, lakes, or rivers, based on a period of 60 months. The deduction provided for in this subsection shall be allowed by the Commissioner only upon condition that the person, firm, or corporation, claiming such allowance shall furnish to the Commissioner a certificate from the State Stream Sanitation Committee certifying that said committee has found as a fact that the waste treatment plant or pollution abatement equipment purchased or constructed and installed as above described has actually been constructed and installed and that such plant or equipment complies with the requirements of said committee with respect to such plants or equipment, that such plant or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the State Stream Sanitation Committee, and that the primary purpose thereof is to reduce water pollution resulting from the discharge of sewage and waste and not merely incidental to other purposes and functions. The deduction herein provided for shall also be allowed as to plants or equipment constructed or installed before January 1, 1955, but only with respect to the undepreciated value of such plants or equipment.

Sec. 2. (a) G. S. 105-294 is hereby amended by adding the following paragraph at the end thereof:

"It is hereby declared to be the policy of this State to use its system of real estate taxation in such manner as to encourage the conservation of natural resources and the abatement and prevention of water pollution, and all tax assessors are hereby instructed that in assessing real estate under the provisions of G. S. 105-279 they shall make no increase in the tax valuation of real estate as the result of the owner's enterprise in installing or constructing waste disposal or water pollution abatement plants, including waste lagoons, or equipment, upon the condition that a certificate is furnished to the tax supervisor of the county, wherein such property is located, by the State Stream Sanitation Committee, certifying that said committee has found as a fact that the waste treatment plant or pollution abatement equipment purchased or constructed and installed as above described has actually been constructed and installed and that such plant or equipment complies with the requirements of said committee with respect to such plants or equipment, that such plant or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the State Stream Sanitation Committee, and that the primary purpose thereof is to reduce water pollution resulting from the discharge of sewage and waste and not merely incidental to other purposes and functions."

(b) G. S. 105-296 is hereby amended by adding at the end thereof a new subsection to be appropriately numbered, and to read as follows:

"Real property, or so much thereof, which is used exclusively for waste disposal or water pollution abatement plants, including waste lagoons, designed to abate, reduce, or prevent pollution of water. This exemption is allowed only upon the condition that a certificate is furnished to the tax supervisor of the county, wherein such property is located, by the State Stream Sanitation Committee, certifying that said committee has found as a fact that the waste treatment plant, including waste lagoons, or pollution abatement equipment above described has been constructed or installed thereon and that such plant or equipment complies with the requirements of said committee with respect to such plants or equipment, that such plant or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the State Stream Sanitation Committee, and that the primary purpose thereof is to reduce water pollution resulting from the discharge of sewage and waste and not merely incidental to other purposes and functions. The exemption herein provided for shall be applicable only with respect to taxes levied in 1955 and subsequent years."

(c) G. S. 105-297 is hereby amended by adding at the end thereof a new subsection, to be appropriately numbered, and to read as follows:

"Sewage and waste treatment facilities, and water pollution abatement equipment designed to abate, reduce, or eliminate water pollution. This exemption shall be allowed only upon the condition that a certificate is

furnished to the tax supervisor of the county, wherein such property is located, by the State Stream Sanitation Committee, certifying that said committee has found as a fact that the waste treatment plant or pollution abatement equipment purchased or constructed and installed as above described has actually been constructed and installed and that such plant or equipment complies with the requirements of said committee with respect to such plants or equipment, that such plant or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the State Stream Sanitation Committee, and that the primary purpose thereof is to reduce water pollution resulting from the discharge of sewage and waste and not merely incidental to other purposes and functions. The exemption herein provided for shall be applicable only with respect to taxes levied in 1955 and subsequent years."

Sec. 2½. (a) Subsection (2) of G. S. 105-122 is hereby amended by adding a new sentence immediately following the first sentence thereof to read as follows:

"There shall also be treated as a deductible liability reserves for the entire cost of any sewage or waste treatment plant, including waste lagoons, and pollution abatement equipment purchased or constructed and installed which reduces the amount of water pollution resulting from the discharge of sewage and industrial wastes or other polluting materials or substances into streams, lakes, or rivers, upon condition that the corporation claiming such deductible liability shall furnish to the Commissioner a certificate from the State Stream Sanitation Committee certifying that said committee has found as a fact that the waste treatment plant or pollution abatement equipment purchased or constructed and installed as above described has actually been constructed and installed and that such plant or equipment complies with the requirements of said committee with respect to such plants or equipment, that such plant or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the State Stream Sanitation Committee, and that the primary purpose thereof is to reduce water pollution resulting from the discharge of sewage and waste and not merely incidental to other purposes and functions; such deductible liability shall be allowed only with respect to such pollution abatement plants or equipment constructed or installed on or after January 1, 1955."

(b) Subsection (4) of G. S. 105-122 is hereby amended by adding the following sentence at the end of the first paragraph thereof:

"In computing 'total actual investment in tangible personal property' there shall also be deducted reserves for the entire cost of any sewage or waste treatment plant, including waste lagoons, and pollution abatement equipment purchased or constructed and installed which reduces the amount of water pollution resulting from the discharge of sewage and industrial wastes or other polluting materials or substances into streams, lakes, or rivers, upon condition that the corporation claiming such deduction shall furnish to the Commissioner a certificate from the State Stream Sanitation

Committee certifying that said committee has found as a fact that the waste treatment plant or pollution abatement equipment purchased or constructed and installed as above described has actually been constructed and installed and that such plant or equipment complies with the requirements of said committee with respect to such plants or equipment, that such plant or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the State Stream Sanitation Committee, and that the primary purpose thereof is to reduce water pollution resulting from the discharge of sewage and waste and not merely incidental to other purposes and functions; such deduction shall be allowed only with respect to such pollution abatement plants or equipment constructed or installed on or after January 1, 1955."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. The provisions of this Act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions of this Act.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

S. B. 415 CHAPTER 1101

AN ACT TO AMEND ARTICLE 1, CHAPTER 28 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ADMINISTRATION OF THE ESTATES OF MISSING PERSONS.

The General Assembly of North Carolina do enact:

Section 1. That Article 1, Chapter 28 of the General Statutes of North Carolina be and the same are hereby amended by adding a new Section following Section 28-2.1 to be numbered 28-2.2 to read as follows:

"When any administrator or executor under the provisions of this Act shall have paid to the State of North Carolina inheritance tax out of the assets of the estate of such missing person and such missing person shall later show by sufficient proof to satisfy the Commissioner of Revenue that he is the person who was missing and whose estate was so administered, then the said Commissioner of Revenue shall, upon the application of such administrator or missing person, cause to be refunded to said person the amount of inheritance tax so paid; provided, however, a claim for refund of said inheritance tax shall be made within one year from the time that the administration of the estate is voided by the Clerk of Superior Court of the county in which the estate was administered."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 451 CHAPTER 1102

AN ACT TO AMEND ARTICLE 31 OF CHAPTER 143 OF THE GENERAL STATUTES, THE SAME BEING KNOWN AS "THE TORT CLAIMS ACT."

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-291, as amended by Chapter 1314 of the Session Laws of 1953, is hereby amended by striking out in line 17 thereof the words and figures "eight thousand dollars ($8,000)", and inserting in lieu thereof the words and figures "ten thousand dollars ($10,000)".

Sec. 2. Adding at the end of Section 143-291 as amended a new Section designated as G. S. 143-291.1, reading as follows:

"The Industrial Commission is authorized by such order to tax the costs against the loser in the same manner as costs are taxed by the Superior Court in civil actions. The State department, institution or agency concerned is authorized and directed to pay such costs as may be taxed against it, including all costs heretofore taxed against such department, agency or institution."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 857 CHAPTER 1103

AN ACT TO AUTHORIZE THE USE OF WAIVERS OF APPEARANCE WITHOUT THE NECESSITY OF COUNSEL IN SPEEDING CASES IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The judge of any court having jurisdiction to try charges of violation of the provisions of G. S. 20-141, and every mayor having such jurisdiction, is hereby authorized to permit any person charged with violating the provisions of G. S. 20-141 and who wishes to enter a plea of guilty to such charge to sign a waiver, executed before any responsible person, waiving personal appearance at the trial on the charge and authorizing the clerk of the court or the judge or mayor to enter a plea of guilty on behalf of the person so charged. The execution of such a waiver and the entering of the plea of guilty on the records of the court shall constitute a conviction for all purposes the same as if the defendant had personally appeared before the court and entered a plea of guilty, and the court may pronounce judgment thereon.

Sec. 2. This Act shall apply only to Sampson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1082 CHAPTER 1104

AN ACT TO AMEND SECTION 163-175 OF THE GENERAL STATUTES OF NORTH CAROLINA PROVIDING THE MANNER IN WHICH VOTES MAY BE CAST FOR GROUP CANDIDATES IN ALL PRIMARIES AND ELECTIONS HELD IN THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. That subsection 6 of G. S. 163-175 is amended by striking out all of subsection 6 and by substituting the following therefor:

"6. Where there are group candidates for the same office printed on the ballot on any county or municipal primary or election held in this State, and the names of several candidates therefor appear on the ballot grouped under the office for which they are all running, the elector shall cast his or her vote for as many candidates as there are offices to be filled, and where an elector votes for any number of such group candidates less than the number of offices to be filled, such ballot shall not be counted for any of the group candidates for said offices. There shall be printed under the title of the offices for group candidates the number of candidates to be voted for."

Sec. 2. That subsection 2 of G. S. 163-175 is amended by striking out from paragraph (b) thereof the following:

"provided that where there are group candidates for similar offices the elector may select and specially mark all of such candidates for whom he wishes to vote."

Sec. 2½. This Act shall apply to Bladen, Catawba, Columbus, Cumberland, Duplin, Halifax, Hoke, Lenoir, Macon, Northampton, Onslow, Pender, Perquimans, Robeson, Scotland, Surry and Wayne Counties only.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1129 CHAPTER 1105

AN ACT TO PLACE THE CLERK OF THE SUPERIOR COURT OF MITCHELL COUNTY ON A FEE BASIS AS TO HIS COMPENSATION FOR THE PERFORMANCE OF THE DUTIES OF HIS OFFICE, THE SAME TO BE EFFECTIVE AT THE END OF THE PRESENT TERM OF THE PRESENT CLERK, OR ON THE FIRST MONDAY IN DECEMBER, 1958.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of the Superior Court of Mitchell County shall continue to be paid and compensated for performing the duties of his

office as now provided by law and until the end of his present term of office, which is on the first Monday in December, 1958. That on and after the first Monday in December, 1958, the Clerk of the Superior Court of Mitchell County shall receive as compensation for the performance of the duties of his office the fees provided under the general law of the State and as provided in the General Statutes of North Carolina and as set forth in Article 4 of Chapter 2 of Volume 1B of said General Statutes.

Sec. 2. That nothing herein shall affect the compensation paid to the Clerk of the Superior Court for acting in the capacity of Judge of the Juvenile Court, and the said Clerk shall continue to receive the same compensation for acting as the judge of the said Juvenile Court as set forth in Section 2 of Chapter 415 of the Sessions Laws of 1953.

Sec. 3. Amend Section 2 of Chapter 415 of the Session Laws of 1953, by striking out the words and figures "fifty dollars ($50.00)", as the same appear in the third and fourth line of said Section 2, and by inserting in lieu thereof the words and figures "one hundred dollars ($100.00)". That the provisions of this Section shall become effective on and after the ratification of this Act.

Sec. 4. That on and after the ratification of this Act the jailer of Mitchell County shall be allowed and shall receive and be paid the sum of two dollars ($2.00) per day for meals or board for each prisoner or person confined in said jail and committed to the custody of said jailer.

Sec. 5. That effective as of the first Monday in December, 1958, any and all laws, whether general, public-local or private, in conflict with the provisions of this Act are hereby repealed.

Sec. 6. That this Act shall be in full force and effect on and after the first Monday in December, 1958.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1130 CHAPTER 1106

AN ACT REWRITING SECTION 1 OF CHAPTER 742, SESSION LAWS OF 1947, FIXING CERTAIN FEES TO BE CHARGED BY THE SHERIFF OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 742, Session Laws of 1947, be and the same is hereby rewritten to read as follows:

"Section 1. In Carteret County fees to be charged by the sheriff shall be as hereinafter set out: Provided that when a fee is not fixed herein, such fee shall be charged as is now provided by law in Carteret County:

For serving warrants, $3.00 for each person arrested.

For serving capias, $2.50 for each person served.

For serving claim and delivery proceedings, $4.00 for one defendant and $2.00 for each additional defendant served.

For serving sci fa, $2.00 for each person served.

For serving summons in civil action, $2.00 for each defendant.

For serving orders, $2.00 for each person served.

For serving notice, $2.00 for each person served.
For serving subpeona, $1.00 for each person served.
For serving warrant of attachment and levy, $5.00.
For serving execution for eviction, $2.00 for each person served.
For serving garnishment proceeding, $1.00 for each person served.
For serving ejectment proceedings, $5.00.
For serving execution in civil action, $3.00 plus 5% of amount collected.
For serving order or writ, not otherwise provided for, $2.00 for each person served.
For summoning appraisers to allot homestead and personal property exemptions, $6.00."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1139 CHAPTER 1107

AN ACT TO AMEND SECTION 60 OF THE CHARTER OF THE CITY OF NEW BERN RELATING TO SALARIES OF OFFICERS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. Section 60 of the Charter of the City of New Bern is hereby amended by repealing the same in its entirety and substituting in lieu thereof the following: "The salaries of all officers and employees of the City of New Bern other than the Mayor and the Board of Aldermen shall hereafter be in such amounts and at such rates as shall hereafter from time to time be determined and fixed by the Board of Aldermen by ordinance or resolution and as may, in the discretion of the Board of Aldermen, constitute fair and adequate compensation for such officers and employees.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1140 CHAPTER 1108

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE SALARY OF THE MAYOR OF THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 651 of the Session Laws of 1949 is rewritten to read as follows:

"Section 1. The Mayor of the City of New Bern shall receive an annual salary of twelve hundred dollars ($1200.00), payable monthly out of the General Fund of the City of New Bern."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1141 CHAPTER 1109

AN ACT TO AMEND SECTION 70 OF THE CHARTER OF THE CITY OF NEW BERN AND CHAPTER 648 OF THE SESSION LAWS OF NORTH CAROLINA FOR 1949 RELATING TO THE SALARIES OF THE MEMBERS OF THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 648 of the Session Laws of North Carolina for 1949 is amended by striking out said Section and substituting in lieu thereof the following:

"Section 1. The Board of Aldermen of the City of New Bern may, by ordinance or resolution, provide for pay to the members of the board in such amounts as they may deem, in their discretion, just and reasonable, but not to exceed three hundred dollars ($300.00) per annum."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1165 CHAPTER 1110

AN ACT TO PUT THE CORONER OF NEW HANOVER COUNTY ON A SALARY IN LIEU OF FEES.

The General Assembly of North Carolina do enact:

Section 1. In lieu of all fees provided by G. S. 152-5 or other laws, the coroner of New Hanover County shall be paid an annual salary of two thousand dollars ($2,000.00), in equal monthly installments, from and after the 1st day of July, 1955.

Sec. 2. All fees which the coroner of New Hanover County shall by law be entitled to collect from anyone other than the county shall be collected by him and paid into the general fund of the county.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after the 1st day of July, 1955.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1182 CHAPTER 1111

AN ACT PROVIDING FOR THE EXERCISE OF POWERS BY POLICE OFFICERS OF THE TOWN OF VASS IN MOORE COUNTY ANYWHERE WITHIN ONE MILE BEYOND THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The police officers of the Town of Vass in Moore County shall have, in all that territory embraced within one mile in all directions of the present corporate limits of said town, all the powers and authority which they now exercise within the corporate limits of said town.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1198 CHAPTER 1112

AN ACT TO AMEND G. S. 153-116(e) RELATING TO THE REPORTING OF FEES OF CERTAIN OFFICERS OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (e) of G. S. 153-116 is amended by adding at the end thereof the following:

"Officers of Mitchell County who receive their compensation in the form of fees collected for the performance of their duties shall not be required to file a report of such fees received with the county accountant of said county."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1213 CHAPTER 1113

AN ACT AMENDING G. S. 162-7 RELATING TO THE FEES TO BE COLLECTED BY THE SHERIFF OF GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 162-7, as the same appears in Volume 3C of the

General Statutes and the 1953 Supplement thereto, be and the same is hereby amended by adding at the end thereof the following:

"The Sheriff of Greene County shall collect the following fees:

For serving execution against property	$ 2.00
Commission on collections of executions, 5% on first $500.00 2½% on all amounts collected over $500.00	
Laying off homestead, for officer	3.00
To commissioners for laying off homestead, each $6.00	18.00
Total homestead fee	$21.00
For serving civil summons, for each defendant	1.50
For serving claim & delivery process, for each defendant	3.00
For serving attachment proceeding, for each defendant	3.50
For serving execution in summary ejectment proceeding, for each defendant	2.00
For serving subpeona, for each witness	1.00
For serving warrant of arrest, for each defendant	3.00
For serving capias, for each defendant	3.00"

Sec. 2. This Act shall apply to Greene County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1222 CHAPTER 1114

AN ACT AMENDING G. S. 131-114 SO AS TO PERMIT THE CITY OF CHARLOTTE TO REQUEST THE CHARLOTTE MEMORIAL HOSPITAL AUTHORITY TO OBTAIN ARCHITECTURAL PLANS AND SPECIFICATIONS FOR ENLARGMENT OF HOSPITAL FACILITIES, AND TO PAY TO SAID AUTHORITY UNALLOCATED NON-TAX FUNDS FOR SUCH PURPOSE.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 131-114, as the same appears in Volume 3B of the General Statutes (being a portion of the Hospital Authorities Law), be and the same is hereby amended by adding at the end of said Section a subsection to be numbered (a) and reading as follows:

"(a) The City of Charlotte may request the Charlotte Memorial Hospital to have architectural plans and specifications prepared for enlargement of or additions to any existing hospital facilities operated by said authority, or any hospital facilities hereafter established by said authority, and if the said authority undertakes to comply with the said request the said city may appropriate any unallocated nontax funds and pay the same to the said authority for the purpose of defraying the expense of such plans and specifications."

Sec. 2. That this Act shall apply only to the City of Charlotte.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1223 CHAPTER 1115

AN ACT TO AMEND AN ACT DESIGNATED AS S. B. 247, RATIFIED MARCH 22, 1955, AND ENTITLED: "AN ACT TO REGULATE THE OPERATION OF MOTORBOATS AND OTHER CRAFT ON WATERS OF CATAWBA LAKE BETWEEN MECKLENBURG AND GASTON COUNTIES", FOR THE PURPOSE OF CLARIFYING THAT PORTION OF SAID CATAWBA LAKE OR THE WATERS THEREOF TO WHICH SAID ACT IS APPLICABLE.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 2 of S. B. 247, ratified March 22, 1955, and entitled "AN ACT TO REGULATE THE OPERATION OF MOTORBOATS AND OTHER CRAFT ON THE WATERS OF CATAWBA LAKE BETWEEN MECKLENBURG AND GASTON COUNTIES", by striking out the word "between", as the same appears in the third line of said Section 2, and by inserting in lieu thereof the following: "lying within".

Sec. 2. Amend Section 3 of S. B. 247, ratified March 22, 1955, and entitled as appears in Section 1 of this Act, by striking out the word "between", as the same appears in the second line in Section 3, and by inserting in lieu thereof the words: "lying within".

Sec. 2. Amend Section 3 of S. B. 247, ratified March 22, 1955, and entitled as appears in Section 1 of this Act, by striking out the word "between", as the same appears in the second line of said Section 4, and by inserting in lieu thereof the words: "lying within".

Further amend said Section 4 of S. B. 247, ratified March 22, 1955, and entitled as appears in Section 1 of this Act, by striking out the word "between", as the same appears in the seventh line of said Section 4 of said Act, and by inserting in lieu thereof the following: "lying within".

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1230 CHAPTER 1116

AN ACT AMENDING SECTION 17, CHAPTER 398, PUBLIC LAWS OF 1909, SO AS TO AUTHORIZE THE APPOINTMENT OF A SECOND SUBSTITUTE RECORDER OF THE RECORDER'S COURT OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 17 of Chapter 398, Public Laws of 1909, be and the same is hereby amended by adding at the end thereof the following:

"If both the recorder and the substitute recorder of said court should be at the same time incapacitated by illness or in case of an emergency or in the event the recorder has not had a vacation within a period of 12 months due to the illness of the substitute recorder, the recorder is hereby authorized and empowered to appoint a second substitute recorder to serve during the illness of both the recorder and the first substitute recorder, or during said period of emergency or vacation. The Commissioners of New Hanover County are authorized, empowered and directed to fix the compensation of such second substitute recorder on a per diem basis but in no event shall it exceed one hundred and fifty dollars ($150.00) per month. Provided, further, that the provisions of this Act shall be in effect for a period of two years only and no longer."

Sec. 2. This Act shall apply to New Hanover County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1249 CHAPTER 1117

AN ACT TO AUTHORIZE THE CHIEF OF THE FIRE DEPARTMENT IN THE TOWNS OF ROCKINGHAM, HAMLET AND ELLERBE IN RICHMOND COUNTY TO SEIZE AND IMPOUND ALL EVIDENCE OF ARSON WHICH THEY MAY DISCOVER.

The General Assembly of North Carolina do enact:

Section 1. The Chief of the Fire Department of the Towns of Rockingham, Hamlet and Ellerbe, in Richmond County, are each authorized to seize and impound any and all evidence of arson which they may discover while carrying out the duties of their offices, either inside or outside the corporate limits of said towns.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1250 CHAPTER 1118

AN ACT TO PROVIDE CLERICAL ASSISTANCE TO THE SOLICITOR OF THE HAMLET RECORDER'S COURT IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Solicitor of the Hamlet Recorder's Court shall be allowed the sum of not to exceed thirty-five dollars ($35.00) per month to be used by him to secure clerical assistance in the performance of the duties imposed upon him by virtue of his office.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1258 CHAPTER 1119

AN ACT AMENDING G. S. 113-111 BY ADDING ALEXANDER TO THE LIST OF COUNTIES IN WHICH THERE IS NO CLOSED SEASON FOR FOX HUNTING.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 113-111, as the same appears in the 1953 Supplement to Volume 3A of the General Statutes, be and the same is hereby amended by inserting the word "Alexander" between the words "in" and "Ashe" in the second line thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1259 CHAPTER 1120

AN ACT TO AMEND CHAPTER 946 OF THE SESSION LAWS OF 1947 RELATING TO THE CITY CHARTER OF KINSTON.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 946 of the Session Laws of 1947 is hereby amended by rewriting subsection (b) to read as follows:

"(b) The City Manager shall be appointed for an indefinite term but may be removed by a majority vote of the members of the council. The action of the council in removing the Manager shall be final. In case of the absence or the disability of the Manager the council may designate a qualified administrative officer of the city to perform the duties of the Manager during such absence or disability."

Sec. 2. Section 1 of Chapter 946 of the Session Laws of 1947 is hereby amended by changing the period at the end of subsection (e) of said Section 1 of said Chapter to a semicolon and adding the following: "Provided further that the municipal accountant whose duty it shall be to prepare and submit an annual budget for the consideration of the City Council shall also be designated by the City Council."

Sec. 3. Subsection (f) of Section 1 of Chapter 946 of the Session Laws of 1947 is hereby amended by striking out the second sentence of said subsection (f) of Section 1 of said Chapter and inserting in lieu thereof the following sentence: "He shall secure from the heads of offices, departments and agencies of the city the budget statements by them required under the Municipal Fiscal Control Act and see that they are properly filed with the municipal accountant, and he shall keep the council fully advised as to the financial condition and needs of the city."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1260 CHAPTER 1121

AN ACT TO ADD TO THE COSTS OF COURT OF THE CHADBOURN MAYOR'S COURT.

The General Assembly of North Carolina do enact:

Section 1. The Mayor's Court of Chadbourn is hereby authorized to add four dollars ($4.00) to the costs of court.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1265 CHAPTER 1122

AN ACT TO AMEND HOUSE BILL 406 RELATING TO THE FEES OF THE REGISTER OF DEEDS OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That House Bill 406 of the 1955 General Assembly entitled "An Act to fix the fees of the Clerk of the Superior Court, the Sheriff,

the Register of Deeds, and Justices of the Peace of Johnston County" be and is hereby amended by deleting the figure "50c" in line 36 of Section 2 of the Bill and inserting in lieu thereof the figure "80c".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1281 CHAPTER 1123

AN ACT AMENDING G. S. 113-111 BY ADDING ALLEGHANY TO THE LIST OF COUNTIES IN WHICH THERE IS NO CLOSED SEASON FOR FOX HUNTING.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 113-111, as the same appears in the 1953 Supplement to Volume 3A of the General Statutes, be and the same is hereby amended by inserting the word "Alleghany" between the words "in" and "Ashe" in the second line thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1282 CHAPTER 1124

AN ACT RELATING TO THE MEMBERSHIP AND THE NOMINATION AND ELECTION OF THE BOARD OF COUNTY COMMISSIONERS OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The members of the Board of County Commissioners of Currituck County shall serve in such capacity until the first Monday in December, 1956, and until their successors are elected and qualified. From and after the first Monday in December, 1956, the Board of County Commissioners of Currituck County shall consist of five members, to be nominated in 1956, and biennially thereafter, as provided in Section 3 of Chapter 652 of the Session Laws of 1949.

Sec. 2. Chapter 883 of the Session Laws of 1951 is repealed.

Sec. 3. Section 4 of Chapter 652 of the Session Laws of 1949 is rewritten to read as follows:

"Sec. 4. The candidates so nominated from the respective districts shall in the general election of 1956, and biennially thereafter, be voted on by the qualified voters of Currituck County voting as a whole."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1285 CHAPTER 1125

AN ACT TO AMEND GENERAL STATUTES 106-520, CHAPTER 106 OF THE GENERAL STATUTES OF NORTH CAROLINA, SO AS TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN TO APPROPRIATE ANNUALLY A SUM NOT IN EXCESS OF $1000.00 TO AID ANY AGRICULTURAL, ANIMAL AND POULTRY EXHIBITS HELD WITHIN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That General Statutes 106-520, Chapter 135 of the Public Laws of 1919, shall be and it is hereby amended by adding at the end thereof as it is now written, the following: "Provided, however, that the Board of Aldermen of the City of New Bern may, for such purposes, appropriate annually a sum not to exceed one thousand dollars ($1000.00) to aid any agricultural, animal or poultry exhibitions, fat stock shows, or agricultural exhibits held in the City of New Bern or in Craven County."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1294 CHAPTER 1126

AN ACT TO FIX THE COMPENSATION OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 156 of the Session Laws of 1953 is rewritten to read as follows:

"Sec. 5. Each member of the Board of County Commissioners of Mecklenburg County, other than the chairman of said board, shall receive as compensation for his services the sum of one hundred dollars ($100.00) per month."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect as of July 1, 1955.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1303 **CHAPTER 1127**

AN ACT TO AUTHORIZE THE TOWN COUNCIL OF THE TOWN OF WHITEVILLE TO APPOINT AN ASSISTANT TAX COLLECTOR OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The Town Council of the Town of Whiteville is authorized to appoint an Assistant Tax Collector who shall be paid a salary for his services to be fixed by the Town Council.

Sec. 2. The Assistant Tax Collector, so appointed, is fully authorized to execute all the power and authority of Tax Collector of said town and he shall be required to post a bond with sureties in the amount to be fixed by the Town Council of said town conditioned upon the faithful performance of his duties and the faithful accounting for all funds coming into his hands by virtue of his office. The premium on said bond shall be paid by the Town Council out of the General Fund of said town.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1311 **CHAPTER 1128**

AN ACT TO FIX THE FEES OF JUSTICES OF THE PEACE IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The following fees shall be charged by Justices of the Peace in Davidson County, provided any fees not fixed herein shall be charged as now provided by law in said county:

Civil:

Civil actions	$3.00
Jury trials	5.00
Order of removal	.50
Claim and delivery and attachments (the same as in other civil cases)	

Criminal:

Criminal cases	3.00
Order of removal	.50
Jury Trials	5.00

Other:

Widow's years' allowance, $3.00 and each commissioner, $2.00	
Garnishment of taxes	$1.00

Sec. 2. Any justice of the peace who shall charge fees higher than those listed above shall be guilty of a misdemeaner and upon conviction

shall be fined or imprisoned in the discretion of the court, and shall forfeit any right to serve as a justice of the peace for two years from the date of such conviction.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

H. B. 1364 CHAPTER 1129

AN ACT REPEALING SECTION 42, CHAPTER 280, PRIVATE LAWS OF 1891, REQUIRING THE POSTING OF ORDINANCES ADOPTED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF JACKSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. That Section 42, Chapter 280, Private Laws of 1891, the same being a part of the Charter of the Town of Jacksonville in Onslow County, be and the same is hereby repealed.

Sec. 2. That all ordinances of the Town Jacksonville adopted by the board of commissioners of said town, prior to the ratification of this Act, without complying with the requirement of posting the same in accordance with the provisions of Section 42, Chapter 280, Private Laws of 1891, be and the same are hereby in all respects legalized, ratified, approved, validated and confirmed.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

S. B. 249 CHAPTER 1130

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF ELECTION PRECINCTS WITHIN THE CORPORATE LIMITS OF THE CITY OF STATESVILLE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Elections of Iredell County is directed to establish election precincts within the corporate limits of the City of Statesville which will be coterminous with the boundaries of the wards of said city which are now or may hereafter be established by law.

The board of elections shall designate as the polling place in each precinct the place in such precinct used as the ward polling place in the last municipal election.

Electors residing in Statesville Township but outside of the corporate

limits of the City of Statesville shall be assigned to the following polling places:

There shall be assigned to the polling place of Ward 1, Statesville, North Carolina, residents of the area described as follows, viz:

Beginning at a point on the northeasterly margin of State Highway No. 115, at which said highway intersects the corporate limits of the City of Statesville, and running thence northwestwardly with said State Highway No. 115 to a point at which said highway crosses the boundary of Statesville Township; thence following the boundary of Statesville Township in an eastwardly direction to a point at which it crosses U. S. Highway 21; thence following the boundary of said township in a southeasterly direction to a point at which said township line crosses U. S. Highway 64; thence in a southerly direction to a point on the northerly side of East Broad Street Extension at which said township line intersects Broad Street Extension; thence with the northerly margin of East Broad Street Extension to a point at which said street intersects the corporate limits of the City of Statesville, thence northwardly and westwardly, following the corporate limits of the City of Statesville, to the point of beginning.

There shall be assigned to the polling place of Ward No. 2 of the City of Statesville, residents of the area described as follows, viz:

Beginning at a point on the southerly side of East Broad Street at which it intersects the corporate limits of the City of Statesville and running thence with the southerly margin of East Broad Street Extension to a point at which East Broad Street Extension crosses the boundary of Statesville Outside Township; thence with said township line in a southerly direction to a point at which it crosses said U. S. Highway 70; thence with said township line in a southwesterly direction to a point at which it crosses the Statesville-Charlotte right of way; thence in a northerly direction, following said railroad right of way to a point at which it crosses the corporate limits of the City of Statesville; thence in an easterly and northerly direction following the corporate limits of the City of Statesville to the point of beginning.

There shall be assigned to the polling place of Ward No. 6 of the City of Statesville, residents of the area described as follows, viz:

Beginning at a point on the westerly side of the Statesville-Charlotte Railroad right of way and running thence southwardly with the westerly margin of said railroad right of way to a point at which it crosses the boundary of Statesville Township; thence westwardly with the boundary of Statesville Township, to the point at which it crosses the Southern Railroad right of way from Statesville to Hickory; thence with the southerly margin of said Southern Railroad right of way in an easterly direction to a point at which said railroad crosses the corporate limits of the City of Statesville; thence with the corporate limits of the City of Statesville, in a southeastward and northeastward direction to the point of beginning.

There shall be assigned to the polling place of Ward No. 3 of the City of Statesville, residents of the area described as follows, viz:

Beginning at a point on the northerly side of the Southern Railroad Company right of way leading from Statesville to Hickory; and running thence westwardly with the northerly margin of said right of way to a point at which said railroad crosses the boundary of Statesville Township; thence following the boundary of Statesville Township northwardly to a point at which said township boundary crosses U. S. Highways 64 and 70; thence following the southerly boundary of U. S. Highways 64 and 70 eastwardly to a point at which said highways intersect Bristol Road; thence in an eastwardly direction with the southerly boundary of Bristol Road to a point at which said road crosses the corporate limits of the City of Statesville; thence southwestwardly, following the corporate limits of the City of Statesville to the point of beginning.

There shall be assigned to the polling place of Ward No. 5 of the City of Statesville, residents of the area described as follows, viz:

Beginning at a point at which Bristol Road crosses the corporate limits of the City of Statesville, and running thence with the northerly and westerly margin of Bristol Road in a southerly and westerly direction to a point at which Bristol Road crosses U. S. Highways 64 and 70; thence westwardly with U. S. Highways 64 and 70 to a point at which said highways cross Statesville Township boundary; thence northwardly with Statesville Township boundary to a point at which said township boundary crosses the Statesville-Taylorsville Railroad; thence northeastwardly with said township boundary to a point at which said boundary crosses the State Highway No. 115; thence eastwardly with the southwesterly margin of State Highway No. 115 to a point at which it crosses the corporate limits of the City of Statesville; thence following the corporate limits of the City of Statesville first in a southwesterly and then in a southeasterly direction to the point of beginning on the northerly margin of Bristol Road.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 251 CHAPTER 1131

AN ACT TO AMEND ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES RELATING TO STATE STREAM SANITATION.

The General Assembly of North Carolina do enact:

Section 1. Section 143-215.1 of the General Statutes is hereby amended by rewriting the last sentence in subdivision (5) of subsection (a) of said Section to read as follows:

"If any person has obtained the approval of the State Board of Health for the construction, alteration or change of any disposal system and a contract has been entered into for the construction thereof, or construction has been begun thereon, or a bond election has been authorized therefor,

prior to the effective date applicable to any watershed in which such disposal system is located, such person shall not be required to obtain a permit from the committee with respect to such construction, alteration or changes."

Sec. 2. Section 143-215.2 of the General Statutes is hereby amended by adding an unnumbered new paragraph at the end of subsection (f) of said Section to read as follows:

"When an order of the committee to abate discharge of untreated or inadequately treated sewage and other waste is served upon a municipality or upon a sanitary district, the governing board of such municipality or the sanitary district board of such district shall, unless said order be reversed on appeal, proceed to provide funds, using any or all means necessary and available therefor by law, by issuance of bonds secured by the full faith and credit of such municipality or district or by issuance of revenue bonds or otherwise, for financing the cost of all things necessary for full compliance with said order and shall thereby comply with said order: Provided, nothing herein shall be construed to supersede or modify the provisions of the Local Government Act or of the Revenue Bond Act of 1938 with respect to approval or disapproval of bonds by the Local Government Commission and to the sale of bonds by said commission: Provided, however, that before court action is instituted to enforce any order issued against any person polluting a segment of the stream, the committee shall, if the municipal pollution is of such magnitude as to warrant consideration, take into consideration the probable time required by any municipality polluting the same segment of said stream to abate its pollution."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 370 CHAPTER 1132

AN ACT TO REQUIRE MOTOR VEHICLES OPERATED BY MEMBERS OF THE HIGHWAY PATROL TO BE PAINTED A UNIFORM COLOR OF BLACK AND SILVER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-190 is amended by adding at the end thereof the following:

"All motor vehicles operated on the highways of this State by officers and members of the State Highway Patrol shall be painted a uniform color of black and silver. No officer or member of the State Highway Patrol shall, in the performance of his duties and under color of his office, operate any State-owned motor vehicle upon the highways of this State which is not painted the colors herein prescribed."

Sec. 1¼. This Act shall not apply to cars used by the Commissioner of

Motor Vehicles or those cars used by the Motor Vehicle Department of North Carolina for other purposes than highway patrolling.

Sec. 1¾. Nothing in this Act shall be so construed as to permit the use of automobiles other than those painted silver and black in connection with the operation of electrical and mechanical speed measuring devices.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 421 CHAPTER 1133

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF WELDON IN HALIFAX COUNTY TO CONVEY CERTAIN PROPERTY NO LONGER NEEDED FOR PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Weldon, in Halifax County, is authorized to convey that certain property in the Town of Weldon, Weldon Township, Halifax County, North Carolina, lying on the northeast side of Second Street between Maple Street and U. S. Highway 301, and more particularly described by courses and distances according to a map or plat recorded in plat book seven at page 101, Office of the Register of Deeds of Halifax County, entitled: Plat Showing Property Between Maple Street, U. S. Highway 301 and Second Street, in the Town of Weldon Abandoned as a Street, Weldon Township, Halifax County, North Carolina, as surveyed and platted April 5, 1955, by C. F. Gore, Registered Engineer, Weldon, North Carolina, as follows:

BEGINNING at the southwest corner of the property line of the Weldon Fruit and Produce Company (Pierce Johnson, James W. Johnson, and R. A. Musgrove) and running thence South 56 degrees 30 minutes East 329.8 feet to a stake, a corner in the western edge of the right of way of U. S. Highway 301; thence along said highway right of way South 10 degrees 30 minutes East 93.8 feet to a stake, the northwest corner formed by the intersection of Second Street and said highway right of way; thence along said Second Street as follows: North 42 degrees 50 minutes West 274 feet; thence North 49 degrees 23 minutes West 118 feet to the point of intersection of this line with the point of beginning.

The governing body of the Town of Weldon is authorized to convey any of the said property to adjoining landowners, under such terms and conditions, and for such considerations as the governing body may deem best.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 485 **CHAPTER 1134**

AN ACT TO AMEND THE STATE PERMANENT IMPROVEMENT BOND ACT OF 1953 BY TRANSFERRING THE APPROPRIATION MADE FOR CONSTRUCTION OF THE SOUTH WING OF THE EASTERN NORTH CAROLINA SANATORIUM TO DEBT SERVICE ON THE BONDS ISSUED THEREUNDER.

WHEREAS, the Board of Directors of the North Carolina Sanatorium System has, after careful investigation, determined that it is unnecessary at this time to expend the appropriation of five hundred thousand dollars ($500,000.00) made by the State Permanent Improvement Bond Act of 1953, Chapter 1149 of the Session Laws of 1953, designated in said Act as follows: "Eastern North Carolina Sanatorium at Wilson: South wing addition including equipment $500,000.00", and that it is proper and necessary to transfer the said unexpended appropriation for debt service on the bonds issued in the said Act which shall fall due during the next biennium; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The appropriation made by Chapter 1149 of the Session Laws of 1953, the State Permanent Improvement Bond Act of 1953, to Eastern North Carolina Sanatorium at Wilson for construction of the South wing addition, including equipment, in the sum of five hundred thousand dollars ($500,000.00), shall not be expended for said purpose and the said appropriation shall be transferred by the Director of the Budget for the purpose of being applied on the debt service of the bonds issued under the authority of the said Act which shall accrue during the next biennium. The said Chapter 1149 of the Session Laws of 1953 is hereby amended in accordance with this Act.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 494 **CHAPTER 1135**

AN ACT TO AMEND SUB-CHAPTER III OF CHAPTER 54 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO CREDIT UNIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 54-90 is hereby amended by striking out all of the said Section after the first paragraph and inserting in lieu thereof the following:

"At the close of each fiscal year when the reserve fund does not equal five per centum (5%) of the capital and liabilities, or five thousand dollars ($5,000.00) which ever is greater, there shall be set apart to the reserve fund twenty per centum (20%) of the net income of the credit union which

has accumulated during the year. At the end of any fiscal year when the reserve fund equals or is in excess of five per centum (5%) of the capital and liabilities or five thousand dollars ($5,000.00) which ever is greater, then the board of directors may reduce the amount to be set apart to the reserve fund each year to an amount not less than ten per centum (10%) of the net income of the credit union. When the reserve fund is equal to ten per centum (10%) of the capital and liabilities or ten thousand dollars ($10,000.00) which ever is the greater, the board of directors shall not be required to make an allocation to the reserve fund. The reserve fund shall not be distributed to the members except upon dissolution of the credit union. Nothing in this Section shall be construed as limiting the amount that a credit union may set apart to its reserve fund. The reserve fund shall belong to the credit union and all loans which the board of directors decide are uncollectible may at the option of the board of directors be charged against the reserve fund, undivided profits, or income during the year."

Sec. 2. G. S. 54-87 is amended by striking out the words "fifty dollars" at the end of the first sentence and inserting in lieu thereof the words "four hundred dollars": Provided, however, that no member shall be permitted to borrow in excess of two hundred dollars ($200.00) or ten per centum (10%) of the total paid in shares of the credit union, which ever is greater.

Sec. 3. G. S. 54-106 is amended by striking out subsection 3 of said Section and inserting in lieu thereof the following: "Each credit union subject to supervision and examination by the superintendent of credit unions, including credit unions in process of voluntary liquidation, shall pay into the office of the superintendent of credit unions supervisory fees as follows: (a) Five dollars ($5.00) for the first one thousand dollars ($1,000.00) of assets and seventy-five cents (75c) for each additional thousand dollars ($1000.00) of assets up to and including seven hundred fifty thousand dollars ($750,000.00) and fifty cents (50c) for each additional thousand dollars ($1000.00) of assets, or fraction thereof, in excess of seven hundred fifty thousand dollars ($750,000.00), payable during the month of July each year on the basis of total assets as shown by its report of condition made to the superintendent of credit unions as of the previous June thirtieth, or the date most nearly approximating same of each year; and (b) five dollars ($5.00) for the first one thousand dollars ($1,000.00) of assets and seventy-five cents (75c) for each additional thousand dollars ($1000.00) of assets up to and including seven hundred fifty thousand dollars ($750,000.00) and fifty cents (50c) for each additional thousand dollars ($1000.00) of assets, or fraction thereof, in excess of seven hundred fifty thousand dollars ($750,000.00), payable during the month of January each year on the basis of total assets as shown by its report of condition made to the superintendent of credit unions as of the previous December thirty-first, or the date most nearly approximating same of each year: Provided, that no credit union shall be required to pay any supervisory fee until the expiration of twelve months from the

date of the issuance of a certificate of incorporation to such credit union."

Sec. 4. G. S. 54-106 is amended by adding a new subsection at the end thereof to be designated as subsection b, and to read as follows:

"b. All revenue derived from fees will be placed into a special account to be administered solely for the operation of the credit union division."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 501 CHAPTER 1136

AN ACT RELATING TO LETTING OF PUBLIC CONTRACTS IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-135 is amended by adding at the end thereof the following:

"The provisions of this Article shall not apply to Beaufort County, in the discretion of the board of county commissioners of said county, in the expenditure of public funds when the total costs of any repairs, completed project, building or structure shall not exceed the sum of fifty thousand dollars ($50,000.00), if the repairs, completed project, building or structure are performed or accomplished by or through its duly elected officers or agents."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 504 CHAPTER 1137

AN ACT AMENDING G. S. 130-272 SO AS TO DIRECT THE STATE HEALTH OFFICER TO TRANSFER $100,000.00 OF THE ACCUMULATED SURPLUS IN THE SPECIAL "BEDDING LAW FUND" TO THE GENERAL FUND APPROPRIATION TO THE STATE BOARD OF HEALTH FOR THE FISCAL YEAR 1955-1956.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 130-272, as the same appears in Volume 3B of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"The State Health Officer is hereby directed to transfer the amount of one hundred thousand dollars ($100,000.00) from the accumulated sur-

plus in the special 'Bedding Law Fund' to the General Fund appropriation to the State Board of Health for the purpose of supplementing said General Fund appropriation for the fiscal year 1955-1956."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 509 CHAPTER 1138

AN ACT TO AMEND CHAPTER 862 OF THE SESSION LAWS OF 1953 REGULATING THE SALARIES OF MEMBERS OF THE BOARD OF COMMISSIONERS OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section One of Chapter 862 of the Session Laws of 1953 is hereby amended by rewriting the same to read as follows:

"Section 1. That Section 2 of Chapter 235, Session Laws of 1947, be and the same is hereby rewritten to read:

" 'That G. S. 153-13 be and the same is hereby amended by adding thereto the following: "Provided that each member of the Board of Commissioners of Richmond County, except the chairman thereof, shall receive for his services the sum of seventy dollars ($70.00) per month, payable in monthly installments. The Chairman of the Board of Commissioners of Richmond County shall receive for his services the sum of one hundred dollars ($100.00) per month, payable in monthly installments." ' "

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 519 CHAPTER 1139

AN ACT TO PROHIBIT THE DISCHARGE OF RAW SEWAGE, INDUSTRIAL WASTE AND OTHER NOXIOUS AND DELETERIOUS SUBSTANCES INTO THE WATERS OF NORTHEAST CAPE FEAR RIVER OR ITS TRIBUTARIES WHICH SHALL RENDER SAID WATERS HARMFUL TO THE PUBLIC HEALTH AND FISH LIFE.

The General Assembly of North Carolina do enact:

Section 1. The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this Act:

"Establishment" shall be construed to include any industrial establishment, mill, factory, tannery, paper or pulp mill, garage, oil refinery, oil

storage tanks of all kinds, boat, vessel, mine quarry and every other industry or plant or works from which industrial wastes are produced.

"Industrial Waste" shall be construed to mean any liquid, gaseous, or solid substance, not sewage, resulting from any manufacturing or industry, or from any establishment, as herein defined, which causes pollution as hereinafter defined, and silt, rock, debris, dirt and clay from any mine or quarry.

"Municipality" shall be construed to include any county, county authority, municipal authority, city, town, township, subdivision of government, instrumentality of government or authority of any governmental nature.

"Person" shall be construed to include any person, co-partnership, association, business trust, limited partnership, or public service or private corporation.

"Pollution" as used in this Act shall be construed to mean noxious or deleterious substances, including sewage and industrial waste, rendering unclean the waters of Northeast Cape Fear River or its tributaries to the extent of making same unsatisfactory for the "best usage" indicated for said waters under the classification or classifications assigned thereto, or which result in the quality of such waters being in contravention of the "Water Quality Standards" established and assigned to such waters pursuant to Section 143-215 of Article 21 of the General Statutes of North Carolina.

"Sewage" shall be construed to include any substance that contains any of the excrement, waste products or other discharge from the bodies of human beings.

Sec. 2. On or after January 1, 1962, the discharge of sewage or industrial waste, as defined in this Act, or any other noxious or deleterious substances into the waters of Northeast Cape Fear River or its tributaries, to such an extent that the waters become unsatisfactory for the "best usage" indicated for same under the classification or classifications assigned thereto by the "State Stream Sanitation Committee", or which results in the quality of such waters being in contravention to the "Water Quality Standards" assigned to such waters pursuant to Section 143-215, Article 21, of the General Statutes of North Carolina, is hereby declared not to be a reasonable use of such waters, to be against public policy, and to be a public nuisance.

Sec. 3. On and after January 1, 1962, no person, municipality, or establishment, shall place or permit to be placed, or discharge, or permit to flow or continue to discharge, or permit to flow into any of the water of Northeast Cape Fear River or its tributaries any raw or untreated sewage as the word sewage is defined in this Act.

Sec. 4. On and after January 1, 1962, no person, establishment or municipality, as defined in this Act, shall pollute the waters of Northeast Cape Fear River or its tributaries according to the definition of "pollution" as defined in this Act, nor shall any person, municipality or establishment permit or engage in any acts which constitute pollution of said waters.

Sec. 5. On and after January 1, 1962, any person, establishment or

municipality which shall engage in any acts of pollution, as defined herein, with reference to Northeast Cape Fear River or its tributaries, or who shall cause or permit, suffer or allow raw and untreated sewage to run, seep, be discharged into, or otherwise placed in any manner in the waters of Northeast Cape Fear River or its tributaries, shall be guilty of a misdemeanor and each day on which any of the violations herein described continue shall be deemed to be a separate offense.

Sec. 6. Any person, establishment or municipality injured or damaged in any respect whatsoever by any of the offenses prohibited by this Act shall have the right to maintain a civil action for an injunction in the Superior Court for the abatement of any of the acts or nuisances herein described and for the recovery of any damages suffered by any municipality, person or establishment by reason of the doing of any of the acts prohibited by this Act, and the Superior Court is vested with jurisdiction to entertain and hear said causes of action according to the rules and procedure of said court and to enter any and all lawful orders for the abatement of said nuisances as herein described, and to grant adequate relief when the grievances complained of shall be established.

Sec. 7. This Act shall not be construed to prevent the State Stream Sanitation Committee from establishing and enforcing standards of quality upon the waters of Northeast Cape Fear River and its tributaries under the provisions of Article 21 of Chapter 143 of the General Statutes of North Carolina, nor shall this Act be construed as amending or repealing any part of such Article.

Sec. 7½. The provisions of this Act shall not apply to any portion of the Northeast Cape Fear River situated in New Hanover County.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 524 CHAPTER 1140

AN ACT TO PROVIDE FOR THE DISTRIBUTION OF THE NET PROFITS OF ALCOHOLIC BEVERAGE CONTROL STORES IN THE CITY OF WASHINGTON AND THE TOWNS OF BELHAVEN, BATH AND AURORA IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the 1st of July, 1955, the Board of County Commissioners of Beaufort County is authorized to pay into the General Fund of the City of Washington and the Towns of Belhaven, Bath and Aurora, in said county, an amount not to exceed twenty per cent (20%) of the net profits derived from the operation of the alcoholic beverage control stores in each of the respective municipalities.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 535 CHAPTER 1141

AN ACT RELATING TO THE COMPENSATION OF THE REGISTER OF DEEDS AND THE CLERK OF THE SUPERIOR COURT OF HALIFAX COUNTY IN THEIR RESPECTIVE CAPACITIES AS CLERK TO THE BOARD OF COUNTY COMMISSIONERS AND JUVENILE JUDGE AND RELATING TO THE SALARY OF THE SHERIFF OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Halifax County, in their discretion, are hereby authorized and empowered to pay to the Register of Deeds of Halifax County, out of the General Fund and in addition to the compensation authorized by Chapter 1191 of the Session Laws of 1949, a monthly sum, not to exceed the sum of six hundred dollars ($600.00) per annum for his services as Clerk to the Board of County Commissioners.

Sec. 2. The Board of Commissioners of Halifax County, in their discretion, are hereby authorized and empowered to pay to the Clerk of the Superior Court of Halifax County, out of the General Fund and in addition to the compensation authorized by Chapter 1191 of the Session Laws of 1949, a monthly sum, not to exceed the sum of six hundred dollars ($600.00) per annum for his services as Juvenile Judge.

Sec. 3. The annual salary of the Sheriff of Halifax County may, in the discretion of the Board of Commissioners of Halifax County, be increased to fifty-four hundred dollars ($5400.00) per annum. The salary provided for in this Section is in addition to the travel allowance for the Sheriff now authorized by law.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after 1 June 1955.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 541 CHAPTER 1142

AN ACT TO AMEND SECTION 163-126.1 OF THE GENERAL STATUTES, RELATING TO PERMANENT POLL RECORD OF VOTERS IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 163-126.1 is amended by striking out from said Section the following words:

"Counties having two or more municipalities, each with a population in excess of 35,000", and by substituting therefor the following:

"Counties having one or more municipalities with a population in excess of 10,000".

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 545 CHAPTER 1143

AN ACT TO AMEND CHAPTER 55 OF THE GENERAL STATUTES SO AS TO PROVIDE JURISDICTION OVER FOREIGN CORPORATIONS IN TRANSACTING BUSINESS IN THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 55 of the General Statutes as amended is hereby further amended by adding new Sections immediately following Section 55-38 to be designated as Section 55-38.05, Section 55-38.1 and Section 55-38.2 and to read as follows:

"Sec. 55-38.05. Suits against foreign corporations transacting business in the State without authorization.—Whenever a foreign corporation shall transact business in this State without first procuring a certificate of authority so to do from the Secretary of State or after its certificate of authority shall have been withdrawn, suspended, or revoked, then the Secretary of State shall be an agent of such corporation upon whom any process, notice, or demand in any suit upon a cause of action arising out of such business may be served."

"Sec. 55-38.1. Jurisdiction over foreign corporations not transacting business in this State.—(a) Every foreign corporation shall be subject to suit in this State, by a resident of this State or by a person having a usual place of business in this State, whether or not such foreign corporation is transacting or has transacted business in his State and whether or not it is engaged exclusively in interstate or foreign commerce, on any cause of action arising as follows:

(1) Out of any contract made in this State or to be performed in this State; or

(2) Out of any business solicited in this State by mail or otherwise if the corporation has repeatedly so solicited business, whether the orders or offers relating thereto were accepted within or without the State; or

(3) Out of the production, manufacture, or distribution of goods by such corporation with the reasonable expectation that those goods are to be used or consumed in this State and are so used or consumed, regardless of how or where the goods were produced, manufactured, marketed, or sold or whether or not through the medium of independent contractors or dealers; or

(4) Out of tortious conduct in this State, whether arising out of repeated activity or single acts, and whether arising out of misfeasance or nonfeasance.

(b) Whenever a foreign parent corporation is subject to liability for any obligations of a subsidiary corporation that is subject to suit in this State, the parent corporation is itself so subject in any action to enforce the said liability. In any such action against a foreign corporation, service may be made on any person who could be served in an action against such subsidiary corporation.

(c) Any foreign corporation subject to suit under this Section may, even though it is not transacting business in this State, appoint and maintain a registered agent, which agent may be either an individual resident in this State or a domestic corporation, or a foreign corporation authorized to transact business in this State. Such appointment shall take place by filing in the office of the Secretary of State a statement setting forth the name and address of the corporation and the address of its principal office, and the name and address in this State of the registered agent. The registered agent appointed by a foreign corporation pursuant to this Section shall be an agent of the corporation upon whom any process, notice, or demand in any cause of action arising under this Section may be served. In any case where a foreign corporation is subject to suit under this Section and has failed to appoint and maintain a registered agent upon whom process might be served, or whenever such registered agent cannot with reasonable diligence be found at the address given, then the Secretary of State shall be an agent of such corporation upon whom any process in any such cause of action may be served."

"Sec. 55-38.2. Service on foreign corporations by service on Secretary of State.—(a) Service on the Secretary of State, when he is agent of a foreign corporation as provided in this Chapter, of any process, notice or demand shall be made by the sheriff delivering to and leaving with the Secretary of State duplicate copies of such process, notice or demand. Service of process on the foreign corporation shall be deemed complete when the Secretary of State is so served. The Secretary of State shall endorse upon both copies the time of receipt and shall forthwith send one of such copies by registered mail with return receipt requested, addressed to such corporation at its principal office as it appears in the records of the Secretary of State or, if there is no address of the corporation on file with the Secretary of State, then to said corporation at its office as shown in the official registry of the state of its incorporation. The Secretary of State may require the plaintiff or his attorney to furnish such address. A copy of the complaint or order of the clerk extending the time for filing the complaint must be mailed to the corporation with the copy of the summons. When a copy of the complaint is not mailed with the summons, the Secretary of State shall mail a copy of the complaint when it is served on him in the same manner as the copy of summons is required to be mailed.

(b) Upon the return to the Secretary of State of the requested return receipt showing delivery and acceptance of such registered mail, or upon the return of such registered mail showing refusal thereof by such foreign corporation, the Secretary of State shall note thereon the date of such return to him and shall attach either the return receipt or such refused

mail including the envelope, as the case may be, to the copy of the process, notice or demand theretofore retained by him and shall mail the same to the clerk of the court in which such action or proceeding is pending and in respect of which such process, notice or demand was issued. Such mailing, in addition to the return by the sheriff, shall constitute the due return required by law. The clerk of the court shall thereupon file the same as a paper in such action or proceeding.

(c) Service made under this Section shall have the same legal force and validity as if the service had been made personally in this State. The refusal of any such foreign corporation to accept delivery of the registered mail provided for in subsection (a) of this Section or the refusal to sign the return receipt shall not affect the validity of such service; and any foreign corporation refusing to accept delivery of such registered mail shall be charged with knowledge of the contents of any process, notice or demand contained therein.

(d) Whenever service of process is made upon the Secretary of State as herein provided the defendant foreign corporation shall have thirty (30) days from the date when the defendant receives or refuses to accept the registered mail containing the copy of the complaint sent as in this Section provided in which to appear and answer the complaint in the action or proceeding so instituted. Entries on the defendant's return receipt or the refused registered mail shall be sufficient evidence of such date. If the date of acceptance or refusal to accept the registered mail cannot be determined from the entries on the return receipt or by notations of the postal authorities on the envelope, then the date when the defendant accepted or refused to accept the rgeistered mail shall be deemed to be the date that return receipt of the registered mail was received back by the Secretary of State.

(e) The court in which the action is pending shall order such additional time as may be necessary to afford the defendant reasonable opportunity to answer the complaint and defend the action.

(f) The Secretary of State shall keep a summarized record of all processes, notices, and demands served upon him under this Section, and shall record therein the time of such service and his action with reference thereto.

(g) Nothing herein contained shall limit or affect the right to serve any process, notice or demand to be served upon a corporation in any other manner now or hereafter permitted by law."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 547 **CHAPTER 1144**

AN ACT REWRITING SECTION 1 OF CHAPTER 1181, SESSION LAWS OF 1949, RELATING TO THE SALARY OF THE TREASURER OF CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 1181, Session Laws of 1949, be and the same is hereby rewritten to read as follows:

"The Board of County Commissioners of Cabarrus County is authorized and empowered to fix the salary of the treasurer of said county at any sum it considers proper, not in excess of thirty-six hundred dollars ($3600.00) per year, to be paid in equal monthly installments."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 548 **CHAPTER 1145**

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF CABARRUS COUNTY IN ITS DISCRETION TO CONVEY CERTAIN PROPERTY TO THE WINECOFF VOLUNTEER FIRE DEPARTMENT.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Education of Cabarrus County be and it is hereby authorized and empowered in its discretion to convey a part of the Winecoff School property in said county to the Winecoff Volunteer Fire Department after a finding of fact by said board of education that said property is no longer necessary for school purposes.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 552 **CHAPTER 1146**

AN ACT TO AUTHORIZE THE INCORPORATION OF BUSINESS DEVELOPMENT CORPORATIONS FOR THE PURPOSE OF PROMOTING, DEVELOPING AND ADVANCING THE PROSPERITY AND ECONOMIC WELFARE OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. As used in this Act, the following words and phrases, unless differently defined or described, shall have the meanings and references as follows:

(1) "Corporation": A North Carolina business development corporation created under this Act.

(2) "Financial Institution": Any banking corporation or trust company, building and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds.

(3) "Member": Any financial institution authorized to do business within this State which shall undertake to lend money to a corporation created under this Act, upon its call, and in accordance with the provisions of this Act.

(4) "Board of Directors": The board of directors of the corporation created under this Act.

(5) "Loan Limit": For any member, the maximum amount permitted to be outstanding at one time on loans made by such member to the corporation, as determined under the provisions of this Act.

Sec. 2. Twenty-five (25) or more persons, a majority of whom shall be residents of this State, who may desire to create a business development corporation under the provisions of this Act, for the purpose of promoting, developing and advancing the prosperity and economic welfare of the State and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated in the following manner; such persons shall, by certificate of incorporation filed with the Secretary of State, under their hands and seals, set forth:

(1) The name of the corporation, which shall include the words "Business Development Corporation of North Carolina";

(2) The location of the principal office of the corporation, but such corporation may have offices in such other places within the State as may be fixed by the board of directors.

(3) The purpose for which the corporation is founded, which shall include the following:

The purposes of the corporation shall be to promote, stimulate, develop and advance the business prosperity and economic welfare of the State of North Carolina and its citizens; to encourage and assist through loans, investments or other business transactions, in the location of new business and industry in this State and to rehabilitate and assist existing business and industry; and so to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this State, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of the citizens of this State; similarly, to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural and recreational developments in this State; and to provide financing for the promotion development, and conduct of all kinds of business activity in this State.

In furtherance of such purposes and in addition to the powers conferred on business corporations by the provisions of Chapter 55 of the General Statutes the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(a) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation; provided, that the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint stock company, association or trust, or in any other manner.

(b) To borrow money from the members only, for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder or member approval; provided, that no loan to the corporation shall be secured in any manner unless all outstanding loans to the corporation shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner.

(c) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith; provided, however, that the corporation shall not approve any application for a loan unless and until the person applying for said loan shall show that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution.

(d) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(e) To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, corporations, joint-stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts and liabilities of any such person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments.

(f) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon.

(g) To mortgage, pledge, or otherwise encumber any property, right or thing of value, acquired pursuant to the powers contained in paragraphs (d), (e) or (f), as security for the payment of any part of the purchase price thereof.

(h) To cooperate with and avail itself of the facilities of the Department of Conservation and Development and any similar governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the State in the promotion, assistance, and development of the business prosperity and economic welfare of such communities or of this State or of any part thereof.

(i) To do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

Sec. 3. The certificate shall set forth the amount of total authorized capital stock and the number of shares in which it is divided, the par value of each share, and the amount of capital stock with which it will commence business and, if there is more than one class of stock, a description of the different classes, and the names and postoffice addresses of the subscribers of stock and the number of shares subscribed by each. The aggregate of the subscription shall be the amount of capital with which the corporation will commence business. The certificate of incorporation may also contain any provision consistent with the laws of this State for the regulation of the affairs of the corporation or creating, defining, limiting, and regulating its powers. The certificate of incorporation shall be in accordance with the provisions of G. S. 55-3.

Sec. 4. Before the said certificates of incorporation shall become effective, it must be approved by a resolution adopted by the Governor and Council of State and, from the date the said certificate of incorporation is filed in the office of the Secretary of State, with such approval, the stock subscribers, their successors and assigns, shall become a body corporate, by the name specified in the certificate, subject to amendment and dissolution as provided in this Act. The incorporators shall have the authority and shall perform such acts and things as required by the provisions of this Act, as set forth in Section 2 thereof.

Sec. 5. Notwithstanding any rule at common law or any provision of any general or special law or any provision in their respective charters, agreements of association, articles of organization, or trust indentures: (1) All domestic corporations organized for the purpose of carrying on business within this State including without implied limitation any public utility companies and insurance and casualty companies and foreign corporations licensed to do business in the State, and all trusts, are hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the State; (2) all financial institutions are hereby authorized to become members of the corporation and to make loans to the corporation as provided herein; (3) a financial institution

which does not become a member of the corporation shall not be permitted to acquire any shares of the capital stock of the corporation; and (4) each financial institution which becomes a member of the corporation is hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of, any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of the corporation, and while owners of said stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the State; provided, that the amount of the capital stock of the corporation which may be acquired by any member pursuant to the authority granted herein shall not exceed ten per cent (10%) of the loan limit of such member. The amount of capital stock of the corporation which any member is authorized to acquire pursuant to the authority granted herein is in addition to the amount of capital stock in corporations which such member may otherwise be authorized to acquire.

Sec. 6. Any financial institution may request membership in the corpartion by making application to the board of directors on such form and in such manner as said board of directors may require, and membership shall become effective upon acceptance of such application by said board.

Each member of the corporation shall make loans to the corporation as and when called upon by it to do so on such terms and other conditions as shall be approved from time to time by the board of directors, subject to the following conditions:

(1) All loan limits shall be established at the thousand-dollar amount nearest to the amount computed in accordance with the provisions of this Section.

(2) No loan to the corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed ten times the amount then paid in on the outstanding capital stock of the corporation.

(3) The total amount outstanding on loans to the corporation made by any member at any one time, when added to the amount of the investment in the capital stock of the corporation then held by such member, shall not exceed:

(a) Twenty per cent (20%) of the total amount then outstanding on loans to the corporation by all members, including in said total amount outstanding, amounts validly called for loan but not yet loaned.

(b) The following limit, to be determined as of the time such member becomes a member on the basis of the audited balance sheet of such member at the close of its fiscal year immediately preceding its application for membership, or, in the case of an insurance company, its last annual statement to the Commissioner of Insurance: Two per cent (2%) of the capital and surplus of commercial banks and trust companies; one per cent (1%) of the total outstanding loans made by a building and loan association; one per cent (1%) of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; one per cent (1%) of the unassigned surplus of mutual insurance companies, except fire insurance

companies, one-tenth of one per cent (.1 of 1%) of the assets of fire insurance companies; and such limits as may be approved by the board of directors of the corporation for other financial institutions.

(4) Subject to paragraph three (a) of this Section, each call made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The adjusted loan limit of a member shall be the amount of such member's loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment in capital stock of the corporation held by such member at the time of such call.

(5) All loans to the corporation by members shall be evidenced by bonds, debentures, notes or other evidences of indebtedness of the corporation, which shall be freely transferable at all times, and which shall bear interest at a rate of not less than one-quarter of one per cent (.25 of 1%) in excess of the rate of interest determined by the board of directors to be the prime rate prevailing at the date of issuance thereof on unsecured commercial loans.

Sec. 7. Membership in the corporation shall be for the duration of the corporation; provided that—

(a) Upon written notice given to the corporation five years in advance, a member may withdraw from membership in the corporation at the expiration date of such notice.

A member shall not be obligated to make any loans to the corporation pursuant to calls made subsequent to the withdrawal of said member.

Sec. 8. The stockholders and the members of the corporation shall have the following powers of the corporation: (a) To determine the number of and elect directors as provided in Section 10 hereof; (b) to make, amend and repeal bylaws; (c) to amend this Charter as provided in Section 9; (b) to exercise such other of the powers of the corporation as may be conferred on the stockholders and the members by the bylaws.

As to all matters requiring action by the stockholders and the members of the corporation, said stockholders and said members shall vote separately thereon by classes, and, except as otherwise herein provided, such matters shall require the affirmative vote of a majority of the votes to which the stockholders present or represented at the meeting shall be entitled and the affirmative vote of a majority of the votes to which the members present or represented at the meeting shall be entitled.

Each stockholder shall have one vote, in person or by proxy, for each share of capital stock held by him, and each member shall have one vote, in person or by proxy, except that any member having a loan limit of more than one thousand dollars ($1,000.00) shall have one additional vote, in person or by proxy, for each additional one thousand dollars ($1,000.00) which such member is authorized to have outstanding on loans to the corporation at any one time as determined under paragraph three (b) of Section 6.

Sec. 9. This Charter may be amended by the votes of the stockholders and the members of the corporation, voting separately by classes, and such

amendments shall require approval by the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled and two-thirds of the votes to which the members shall be entitled; provided, that no amendment of this Charter which is inconsistent with the general purposes expressed herein or which authorizes any additional class of capital stock to be issued, or which eliminates or curtails the right of the Secretary of State to examine the corporation or the obligation of the corporation to make reports as provided in Section 13, shall be made without amendment of this Act; and provided, further, that no amendment of this Charter which increases the obligation of a member to make loans to the corporation, or makes any change in the principal amount, interest rate, maturity date, or in the security or credit position, of any outstanding loan of a member to the corporation, or affects a member's right to withdraw from membership as provided in Section 7, or affects a member's voting rights as provided in Section 8, shall be made without the consent of each member affected by such amendment.

Within 30 days after any meeting at which amendment of this Charter has been adopted, articles of amendment signed and sworn to by the president, treasurer and a majority of the directors, setting forth such amendment and the due adoption thereof, shall be submitted to the Secretary of State, who shall examine them and if he finds that they conform to the requirements of this Act, shall so certify and endorse his approval thereon. Thereupon, the articles of amendment shall be filed in the office of the Secretary of State and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

Sec. 10. The business and affairs of the corporation shall be managed and conducted by a board of directors, a president and treasurer, and such other officers and such agents as the corporation by its bylaws shall authorize. The board of directors shall consist of such number, not less than 15 nor more than 18, as shall be determined in the first instance by the incorporators and thereafter annually by the members and the stockholders of the corporation. The board of directors may exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the stockholders or members and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director which shall be filled as hereinafter provided. The board of directors shall be elected as hereinafter provided. The board of directors shall be elected in the first instance by the incorporators and thereafter at each annual meeting of the corporation, or, if no annual meeting shall be held in any year at the time fixed by the bylaws, at a special meeting held in lieu of the annual meeting. At each annual meeting, or at each special meeting held in lieu of the annual meeting, the members of the corporation shall elect two-thirds of the board of directors and the stockholders shall elect the remaining directors. The directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after their election and until their successors are elected and qualified unless sooner removed in accordance with the provisions of the bylaws. Any vacancy in the office

of a director elected by the members shall be filled by the directors elected by the members, and any vacancy in the office of a director elected by the stockholders shall be filled by the directors elected by the stockholders.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the wilful misconduct of such directors and officers.

Sec. 11. Each year the corporation shall set apart as earned surplus not less than ten per cent (10%) of its net earnings for the preceding fiscal year until such surplus shall be equal in value to one-half of the amount paid in on the capital stock then outstanding. Whenever the amount of surplus established herein shall become impaired, it shall be built up again to the required amount in the manner provided for its original accumulation. Net earnings and surplus shall be determined by the board of directors, after providing for such reserves as said directors deem desirable, and the directors' determination made in good faith shall be conclusive on all persons.

Sec. 12. The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated.

The corporation shall not receive money on deposit.

Sec. 13. The corporation shall be subject to the examination of the Commissioner of Banks, and shall make reports of its condition not less than annually to said Commissioner, who in turn shall make copies of such reports available to the Commissioner of Insurance and to the Governor, and the corporation shall also furnish such other information as may from time to time be required by the Secretary of State.

Sec. 14. The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed, or delivered, to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting the incorporators shall organize by the choice, by ballot, of a temporary clerk, by the adoption of bylaws, by the election by ballot of directors, and by action upon such other matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings. Ten of the incorporators shall be a quorum for the transaction of business.

Sec. 15. The corporation shall not be subject to any taxes based upon or measured by income which are now or may be hereafter levied by the State; and the securities, evidences of indebtedness and shares of the capital stock issued by the corporation established under the provisions of this Act, their transfer, and income therefrom, and deposits of financial

institutions invested therein, shall at all times be free from taxation within the State.

Any stockholder, member, or other holder of any securities, evidences of indebtedness, or shares of the capital stock of the corporation who realizes a loss from the sale, redemption, or other disposition of any securities, evidences of indebtedness, or shares of the capital stock of the corporation, including any such loss realized on a partial or complete liquidation of the corporation, and who is not entitled to deduct such loss in computing any of such stockholder's, member's, or other holder's taxes to the State shall be entitled to credit against any taxes subsequently becoming due to the State from such stockholder, member, or other holder, a percentage of such loss equivalent to the highest rate of tax assessed for the year in which the loss occurs upon mercantile and business corporations.

Sec. 16. The period of duration of the corporation shall be 50 years.

Sec. 17. If a corporation organized pursuant to this Act shall fail to begin business within three years from the effective date of its Charter then said Charter shall become null and void. If, within three years from the effective date of this Act no corporation is organized pursuant to this Act, then and in that event, this Act shall become null and void.

Sec. 18. Under no circumstances is the credit of the State pledged herein.

Sec. 19. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 20. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 556 CHAPTER 1147

AN ACT TO AMEND ARTICLE 3 OF CHAPTER 116 OF THE GENERAL STATUTES RELATING TO THE ORGANIZATION OF THE BOARD OF TRUSTEES OF EAST CAROLINA COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. The first paragraph of G. S. 116-59 is rewritten to read as follows:

"The Board of Trustees of East Carolina College shall consist of twelve members who shall be appointed by the Governor. In addition to this number the State Superintendent of Public Instruction shall be ex officio a member of the board. The board of trustees shall elect its own chairman and secretary from its membership."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 564 CHAPTER 1148

AN ACT TO AMEND HOUSE BILL NO. 1095 RATIFIED THE 5TH OF MAY, 1955, RELATING TO THE ESTABLISHMENT OF ALCOHOLIC BEVERAGE CONTROL STORES IN THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. Section 4, of House Bill 1095, ratified the 5th of May, 1955, is amended by adding at the end thereof the following:

"Any member appointed to said board must be a resident of the City of High Point and in the event any member, during the term of his appointment, shall move out of the corporate limits of the City of High Point it shall be the duty of the Council of the City of High Point to appoint a person to fill such vacancy."

Sec. 2. Section 5, of House Bill 1095, ratified the 5th of May, 1955, is amended by striking out in line 8 of said Section the figure "13" and inserting in lieu thereof the figure "18".

Section 5, of House Bill 1095, ratified the 5th day of May, 1955, is further amended by adding at the end thereof the following proviso:

"Provided, however, the Council of the City of High Point shall, upon its request, have the right to review any action taken by said Alcoholic Beverage Control Board and to either approve or disapprove said action."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 567 CHAPTER 1149

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF COLUMBUS COUNTY TO FIX THE COMPENSATION AND TRAVEL ALLOWANCE OF THE SHERIFF OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Columbus County is authorized to fix the compensation and travel allowance of the sheriff of said county. The amount of compensation and travel allowance so fixed shall be paid from the general fund of said county.

Provided, however, the board of county commissioners shall not have the authority to reduce the salaries of officials elected by a vote of the people during their respective terms of office.

Sec. 2. The compensation and travel allowance heretofore fixed and

paid to the sheriff and other elected officers and employees of Columbus County by the present board and former boards of commissioners of said county is hereby confirmed, ratified and validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 568 CHAPTER 1150

AN ACT TO AUTHORIZE THE CITY OF GASTONIA TO ENTER INTO CONTRACTS WITH OTHER MUNICIPALITIES OR PERSONS, FIRMS OR CORPORATIONS FOR PERIODS OF NOT TO EXCEED TWENTY-FIVE YEARS.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Gastonia is authorized to enter into contracts with any other municipality in Gaston County or with any persons, firms, or corporations in said county to furnish water to such municipalities or persons, firms or corporations for periods not to exceed twenty-five (25) years upon such terms and conditions as the parties thereto might agree. Any municipality in Gaston County is authorized to contract with the City of Gastonia for the purposes of this Act.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 579 CHAPTER 1151

AN ACT TO REGULATE THE PAYMENT OF TAXES IN AVERY COUNTY AND TO CANCEL AND ABATE CERTAIN INTEREST AND PENALTIES ON DELINQUENT TAXES IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Avery County be and it is hereby authorized and empowered, in its discretion, to cancel, waive and abate any and all interest, penalties and costs on all delinquent taxes for the year of 1953, and prior thereto, provided said delinquent taxes are paid in full on or before January 1, 1956.

Sec. 2. That no foreclosure proceedings on tax sale certificates or liens for delinquent taxes for the year of 1953, and tax years prior thereto, shall be instituted in Avery County or shall be further perfected or carried out, provided said taxes are paid in full on or before January 1, 1956, and said taxpayers shall have until said date in which to pay such taxes.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 342 CHAPTER 1152

AN ACT TO AMEND THE FINANCIAL RESPONSIBILITY LAWS TO MAKE THEM MORE EQUITABLE AND TO PROVIDE FOR RELIEF IN HARDSHIP CASES.

The General Assembly of North Carolina do enact:

Section 1. Section 20-230 of the General Statutes is hereby amended by adding to the end thereof a new proviso to read as follows:

"Provided further, the Commissioner shall not require proof of financial responsibility under this Section for any period of time after two years from the end of the period of suspension or revocation when, during the two-year period following the expiration of the period of suspension or revocation, the Commissioner has not received a record of a conviction which would require or permit the suspension or revocation of the license or operating privilege of the person involved."

Sec. 2. Section 20-231 of the General Statutes is hereby amended by adding to the end of the first paragraph thereof a new proviso to read as follows:

"Provided further, the Commissioner shall not require proof of financial responsibility under this Section for any period of time after two years from the end of the period of revocation when, during the two-year period following the expiration of the period of revocation, the Commissioner has not received a record of a conviction which would require or permit the suspension or revocation of the license or operating privilege of the person involved."

Sec. 3. Section 20-279.1 of the General Statutes is hereby amended by adding thereto a new subdivision to be designated subdivision 12 and to read as follows:

"12. 'Conviction': A conviction upon a plea of guilty, or of nolo contendere, or the determination of guilt by a jury or by a court though no sentence has been imposed or, if imposed, has been suspended, and it includes a forfeiture of bail or collateral deposited to secure appearance in court of the defendant, unless the forfeiture has been vacated."

Sec. 4. Subsection (a) of Section 20-279.5 of the General Statutes is hereby amended by insterting immediately following the comma following the word "otherwise" in the ninth line of the subsection as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes the words "or is for any other reason not required to file security under this Article."

Sec. 5. Subsection (b) of Section 20-279.5 is hereby amended by insert-

ing immedaitely following the word "section" in the eleventh line of said subsection as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes the words "or with respect to the ownership or operation of the vehicle, the extent of damage and injuries, or any other matters which would have affected the Commissioner's action had the information been previously submitted".

Sec. 6. Subsection (b) of Section 20-279.5 of the General Statutes is hereby amended by adding to the end thereof a new sentence to read as follows:

"The Commissioner, upon request and in his discretion, may postpone the effective date of the suspension provided in this Section by fifteen days if, in his opinion, such extension would aid in accomplishing settlements of claims by persons involved in accidents."

Sec. 7. Subdivision 3 of subsection (c) of Section 20-279.5 of the General Statutes is hereby amended by inserting immediately following the word "bond" in the third line of the subdivision as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes the words "or sinking fund or group assumption of liability".

Sec. 8. Subdvision 4 of subsection (c) of Section 20-279.5 of the General Statutes is hereby amended by changing the period immediately following the word "self-insurer" in the subdivision to a comma and by adding immediately following said comma the following words: "nor to any operator for a self-insurer if, in the opinion of the Commissioner from the information furnished him, the operator at the time of the accident was probably operating the vehicle in the course of the operator's employment as an employee or officer of the self-insurer."

Sec. 9. Section 20-279.6 is hereby amended by adding to the end thereof a new subdivision to be numbered 5 and to read as follows:

"If, prior to the date that the Commissioner would otherwise suspend the license or the nonresident's operating privilege under Section 20-279.5, there shall be filed with the Commissioner evidence satisfactory to him that the person who would otherwise be required to file security has in any manner settled the claims of the other persons involved in the accident and if the Commissioner determines that, considering the circumstances of the accident and the settlement, the purposes of this Article and of protection of operators and owners of other motor vehicles are best accomplished by not requiring the posting of security or the suspension of the license. For the purpose of administering this paragraph, the Commissioner may consider a settlement made by an insurance company as the equivalent of a settlement made directly by the insured."

Sec. 10. Section 20-279.6 of the General Statutes is hereby amended by adding to the end thereof a new subdivision to be numbered 6 and to read as follows:

"If, prior to the date that the Commissioner would otherwise suspend the license or the nonresident's operating privilege under Section 20-279.5, there shall be filed with the Commissioner evidence satisfactory to him that another person involved in the accident has been convicted by a court of competent jurisdiction of a crime involving the operation of a motor

vehicle at the time of the accident, and if the Commissioner in his discretion determines, after considering the circumstances of the accident or the nature and the circumstances of the crime, that the purpose of this Article and of protection of operators and owners of other motor vehicles are best accomplished by not requiring the posting of security or the suspension of the license."

Sec. 11. Chapter 20 of the General Statutes is hereby amended by inserting therein immediately following Section 20-279.6 a new Section to be numbered Section 20-279.6A and to read as follows:

"Minors.—In detemining whether or not any of the exceptions set forth in Section 20-279.6 have been satisfied, in the case of accidents involving minors, the Commissioner may accept, for the purpose of this Article only, as valid releases on account of claims for injuries to minors or damage to the property of minors releases which have been executed by the parent of the minor having custody of the minor or by the guardian of the minor if there be one. In the case of an emancipated minor, the Commissioner may accept a release signed by or a settlement agreed upon by the minor without the approval of the parents of the minor. If in the opinion of the Commissioner the circumstances of the accident, the nature and extent of the injuries or damage, or any other circumstances make it advisable for the best protection of the interest of the minor, the Commissioner may decline to accept such releases or settlements and may require the approval of the Superior Court."

Sec. 12. Paragraph 3 of Section 20-279.7 of the General Statutes is hereby amended by inserting therein immediately following the numbers "20-279.6" in the third line of the paragraph as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes the words "or a settlement accepted by the Commissioner as provided in subdivision 5 of Section 20-279.6, or a conviction accepted by the Commissioner as provided in subdivision 6 of Section 20-279.6".

Sec. 13. Section 20-279.10 of the General Statutes is hereby amended by inserting therein immediately following the numbers "20-279.6" in the thirteenth line of the Section as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes the words and figures "or a settlement accepted by the Commissioner as provided in subdivision 5 of Section 20-279.6, or a conviction accepted by the Commissioner as provided in subdivision 6 of Section 20-279.6".

Sec. 14. Subsection (a) of Section 20-279.17 of the General Statutes is hereby amended by rewriting the subsection to read as follows:

"Whenever the Commissioner suspends or revokes the license of any person under the provisions of Article 2 of this Chapter such license shall remain suspended or revoked and shall not at any time thereafter be reinstated nor shall any license be thereafter issued to such person, until permitted under the Motor Vehicle Laws of this State and not then unless and until he shall give and thereafter maintain, for the period provided by law, proof of financial responsibility, except as provided in G. S. 20-16.1; provided, whenever the motor vehicle operator's or chauffeur's license of any person has been suspended, cancelled or revoked under the provisions

of Article 2 of this Chapter and the period of such suspension, cancellation or revocation shall have expired, and such person shall have met the requirements of this Article as a condition precedent to the right to have such license restored or reissued such license shall be immediately restored or reissued to such person subject to such a reexamination, if any, as the Commissioner may require."

Sec. 15. Subsection (c) of Section 20-16 of the General Statutes is hereby amended by deleting the comma immediately following the word "may" in the tenth line of the subsection and is further amended by deleting therefrom the following words appearing immediately after said comma: "except as provided in Section 20-231,".

Sec. 16. Section 20-279.19 of the General Statutes is hereby amended by adding to the end thereof a new sentence to read as follows:

"The Commissioner may require that certificates filed pursuant to this Section be on a form approved by the Commissioner."

Sec. 17. Section 20-279.20 is hereby amended by adding to the end thereof a new subsection to be designated subsection (c) and to read as follows:

"The Commissioner may require that certificates and powers filed pursuant to this Section be on forms approved by the Commissioner."

Sec. 18. G. S. 20-28 of the General Statutes is hereby amended by deleting the word "article" in the second line of the Section and insert in lieu thereof the word "Chapter". Provided, the restoree of a revoked or suspended operator's or chauffeur's license who operates a motor vehicle upon the highways or streets of the State without maintaining financial responsibility as provided by law shall be punishable as for operating without an operator's license.

Sec. 19. Section 20-279.32 of the General Statutes is hereby amended by rewriting the Section to read as follows:

"This Article, except its provisions as to the filing of proof of financial responsibility by a common carrier and its drivers and chauffeurs, does not apply to any vehicle operated under a permit or certificate of convenience or necessity issued by the North Carolina Utilities Commission, or by Interstate Commerce Commission, if public liability and property damage insurance for the protection of the public is required to be carried upon it. This Article does not apply to any motor vehicle owned by the State of North Carolina, nor does it apply to the operator of a vehicle owned by the State of North Carolina who becomes involved in an accident while operating the State-owned vehicle if the Commissioner determines that the vehicle at the time of the accident was probably being operated in the course of the operator's employment as an employee or officer of the State. This Article does not apply to the operator of a vehicle owned by a political subdivision of the State of North Carolina who becomes involved in an accident while operating such vehicle if the Commissioner determines that the vehicle at the time of the accident was probably being operated in the course of the operator's employment as an employee or officer of the subdivision providing that the Commissioner finds that the political subdivision has waived any immunity it has with respect to such accidents and has in force

an insurance policy or other method of satisfying claims which may arise out of the accident. This Article does not apply to any motor vehicle owned by the Federal Government, nor does it apply to the operator of a motor vehicle owned by the Federal Government who becomes involved in an accident while operating the Government-owned vehicle if the Commissioner determines that the vehicle at the time of the accident was probably being operated in the course of the operator's employment as an employee or officer of the Federal Government."

Sec. 20. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 21. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 496 CHAPTER 1153

AN ACT TO AMEND THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR THE PURPOSE OF INTEGRATING AND COORDINATING SAID SYSTEM WITH THE SOCIAL SECURITY ACT SUBJECT TO THE RESULTS OF A REFERENDUM.

The General Assembly of North Carolina do enact:

Section 1. Subsection (6) of G. S. 128-23 of Volume 3B is hereby rewritten so that the same shall hereafter read as follows:

"(6) Effective January 1, 1955, there shall be three classes of employers to be designated Class A, Class B and Class C, respectively. Each employer whose date of participation occurs before July 1, 1951, shall be a Class A employer unless such an employer by written notice filed with the board of trustees on or before June 30, 1951, elected to be a Class B employer. Each employer whose date of participation occurs on or after July 1, 1951, but before January 1, 1955, shall be a Class A employer. Each employer whose date of participation occurs on or after January 1, 1955, shall be a Class C employer."

Sec. 2. Subsection (3) of G. S. 128-24 of Volume 3B of the General Statutes is hereby rewritten so that the same shall hereafter read as follows:

"(3) Effective January 1, 1955, there shall be three classes of members, to be designated Class A, Class B and Class C respectively. Each member who is an employee of a Class A employer shall be a Class A member; each member who is an employee of a Class B employer shall be a Class B member; and each member who is an employee of a Class C employer shall be a Class C member."

Sec. 3. Subsection (6) of G. S. 128-26 of Volume 3B is hereby rewritten so that the same shall hereafter read as follows:

"(6) Effective January 1, 1955, there shall be three classes of prior service certificates, to be designated as Class A, Class B and Class C respectively. Each such certificate issued on account of service rendered to

a Class A employer shall be a Class A prior service certificate; each such certificate issued on account of service rendered to a Class B employer shall be a Class B prior service certificate; and each such certificate issued on account of service rendered to a Class C employer shall be a Class C prior service certificate. Each Class C prior service certificate shall specify a prior service benefit percentage rate which shall be three per centum (3%) in the case of any member entitled to such certificate who is, at the date of participation of his employer, in a position covered by the Social Security Act under a Federal-State Agreement and which shall be five per centum (5%) in the case of a member entitled to such certificate but who at the date of participation of his employer is in a position not so covered."

Sec. 4. Paragraph (c) of subsection (2) of G. S. 128-27 of Volume 3B is hereby rewritten so that the same shall hereafter read as follows:

"(c) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to the annuity which would have been provided at the age of sixty years (60), or at the actual age of retirement if prior thereto, by twice the contributions which he would have made during such period of service had the system been in operation and he contributed thereunder at the rate of five per centum (5%) of his compensation if such certificate is a Class A certificate, or at the rate of four per centum (4%) of his compensation if such certificate is a Class B certificate, or at the prior service benefit percentage rate specified therein if such certificate is a Class C certificate."

Sec. 5. Amend paragraph (b) of subsection (4) of G. S. 128-27 of Volume 3B by striking out the period appearing after the word "compensation", in the last line of said paragraph (b), and by inserting in lieu thereof a semicolon and after the semicolon the word "and", and by adding to said subsection (4) a new paragraph to be designated as paragraph "(c)", which shall read as follows:

"(c) With respect to any member covered under the Social Security Act in accordance with the provisions of Article 2 of Chapter 135 of Volume 3B of the General Statutes, as amended, a pension at the rate of nine dollars ($9.00) per year for each full year of membership service for which credit would be allowed under paragraph (b) of this subsection (3) and during which he is so covered, including the prospective period to age sixty (60): Provided, however, that notwithstanding any provision to the contrary the pension provided in this paragraph (c) shall not be payable after the retired member attains the age of sixty-five (65) years and shall not be subject to the provisions of subsection (7) of § 128-27."

Sec. 6. Amend subsection (7) of G. S. 128-27 of Volume 3B by adding thereto a new paragraph to be designated as paragraph "(a)", which shall read as follows:

"(a) Adjustment of Retirement Allowances for Social Security Benefits.—Until the first payment on account of any benefit becomes normally due, any member may elect to convert his benefit otherwise payable on his account after retirement into a retirement allowance of equivalent actuarial value of such amount that, with his benefit under Title II of the Federal

Social Security Act, he will receive, so far as possible, approximately the same amount per year before and after he attains age sixty-five (65)."

Sec. 7. Paragraph (a) of subsection (1) of G. S. 128-30, Volume 3B, is hereby rewritten so that the same shall hereafter read as follows:

"(a) Prior to July 1, 1951, each participating employer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period four per centum (4%) of his earnable compensation. On and after such date the rate so deducted shall be five per centum (5%) in the case of a Class A member or a Class C member, and four per centum (4%) in the case of a Class B member; provided, however, that with respect to any member who is covered under the Social Security Act in accordance with the agreement entered into during 1955 in accordance with the provisions of Article 2A of Chapter 135 of Volume 3B of the General Statutes, as amended, such deduction shall, commencing with the first day of the period of service with respect to which such agreement is effective, be at the rate of three per centum (3%) of the part of his earnable compensation not in excess of the amount taxable to him under the Federal Insurance Contributions Act as from time to time in effect plus five per centum (5%) of the part of his earnable compensation not so taxable; provided that in the case of any member so eligible and receiving compensation from two or more employers such deductions may be adjusted under such rules as the board of trustees may establish so as to be as nearly equivalent as practicable to the deductions which would have been made had the member received all of such compensation from one employer. Notwithstanding the foregoing, the board of trustees may in its discretion cause such portion as it may determine of deductions made between January 1, 1955 and December 1, 1955, to be transferred into the Contribution Fund established under Session Laws 1951, Chapter 562, Section 3; such amounts so transferred shall in that event be deemed to be taxes contributed by employees as required under Article 2A of Chapter 135 of Volume 3B of the General Statutes, as amended, and shall be in lieu of contributions otherwise payable in the same amount as so required. But the employer shall not have any deduction made for annuity purposes from the compensation of a member who elects not to contribute if he has attained the age of sixty (60) years and has completed thirty-five (35) years of service. In determining the amount earnable by a member in a payroll period, the board of trustees may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if any employee was not a member on the first day of the payroll period. In determining the amount earnable by a member whose compensation is derived partly or wholly from fees, such member shall submit a sworn statement to his employer as to the amount of fees received by such member as compensation during the preceding year, and each month such member shall pay to his employer four per centum (4%) of one-twelfth (1/12) of such compensation received from fees during the

previous year, which shall be considered as deductions by the employer as provided in paragraphs (a) and (b) of subsection one of this Section."

Sec. 8. G. S. 128-33 of Volume 3B is hereby rewritten so that the same shall hereafter read as follows:

"§128-33. Certain laws not applicable to members.—Subject to the provisions of Article 2A of Chapter 135 of Volume 3B of the General Statutes, as amended, no other provision of law in any other Statute which provides wholly or partly at the expense of any county, city or town for pensions or retirement benefits for employees of the said county, city or town, their widows, or other dependents shall apply to members or beneficiaries of the Retirement System established by this Article."

Sec. 9. Article 3 of Chapter 128 of Volume 3B of the General Statutes is hereby amended by adding thereto a new Section which shall be designated as §128-38, and which new Section shall read as follows:

"§128-38. Reservation of Power to Change.—The General Assembly reserves the right at any time and from time to time, and if deemed necessary or appropriate by said General Assembly in order to coordinate with any changes in the benefit and other provisions of the Social Security Act made after January 1, 1955, to modify or amend in whole or in part any or all of the provisions of the North Carolina Local Governmental Employees' Retirement System."

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 497 CHAPTER 1154

AN ACT TO AMEND AND CLARIFY ARTICLE 2 OF CHAPTER 135 OF VOLUME 3B OF THE GENERAL STATUTES RELATING TO THE COVERAGE OF GOVERNMENTAL EMPLOYEES UNDER TITLE II OF THE SOCIAL SECURITY ACT AND FOR THE PURPOSE OF CONFORMING SAID STATE ENABLING ACT TO THE AMENDMENTS MADE IN THE FEDERAL SOCIAL SECURITY ACT OF 1954 BY THE SECOND SESSION OF THE 83RD CONGRESS.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 135-19, Volume 3B, by adding at the end of said Section the following:

"It is also the policy of the legislature that the protection afforded employees in positions covered by a retirement system on the date an agreement under this Act is made applicable to service performed in such positions, or receiving periodic benefits under such retirement system at such time, will not be impaired as a result of making the agreement so applicable or as a result of legislative enactment in anticipation thereof."

Sec. 2. Amend G. S. 135-20, Volume 3B, by adding at the end of subsection (b) the following:

"Service which under the Social Security Act may be included in an agreement only upon certification by the Governor in accordance with Section 218(d) (3) of that Act shall be included in the term 'employment' if and when the Governor issues, with respect to such service, a certificate to the Secretary of Health, Education and Welfare pursuant to Section 11 of this Act."

Sec. 3. Subsection (e) of G. S. 135-20, Volume 3B, is hereby rewritten so that the same shall hereafter read as follows:

"(e) The term 'Secretary of Health, Education and Welfare' includes any individual to whom the Secretary of Health, Education and Welfare has delegated any of his functions under the Social Security Act with respect to coverage under such Act of employees of states and their political subdivisions, and with respect to any action taken prior to April 11, 1953, includes the Federal Security Administrator and any individual to whom such Administrator had delegated any such function."

Sec. 4. Subsection (h) of G. S. 135-20. Volume 3B, is hereby rewritten so that hereafter the same shall read as follows:

"(h) The term 'Federal Insurance Contributions Act' means subchapter A of Chapter 9 of the Federal Internal Revenue Code of 1939 and subchapters A and B of Chapter 21 of the Federal Internal Revenue Code of 1954, as such Codes have been and may from time to time be amended; and the term 'employee tax' means the tax imposed by Section 1400 of such Code of 1939 and Section 3101 of such Code of 1954."

Sec. 5. Amend paragraph (2) of subsection (a) of G. S. 135-21, Volume 3B, by striking out in the fourth line of said paragraph (2) the following: "Sections 1400 and 1410 of".

Sec. 6. Amend subsection (a) of G. S. 135-21, Volume 3B, by adding at the end of or immediately after paragraph (5) of said subsection two new paragraphs which shall be designated as "(6)" and "(7)", and which new paragraphs shall read as follows:

"(6) As modified, the agreement shall include all services described in either paragraph (4) or paragraph (5) of this subsection and performed by individuals to whom Section 218(c) (3) (C) of the Social Security Act is applicable and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system; and

"(7) As modified, the agreement shall include all services described in either paragraph (4) or paragraph (5) of this subsection and performed by individuals in positions covered by a retirement system with respect to which the Governor has issued a certificate to the Secretary of Health, Education and Welfare pursuant to Section 11 of this Act."

Sec. 7. G. S. 135-21, Volume 3B, is hereby amended by adding to said Section a new subsection designated as subsection (c) which shall read as follows:

"(c) Pursuant to Section 218(d) (6) of the Social Security Act, the Teachers' and State Employees' Retirement System of North Carolina as established by Article 1 of Chapter 135 of the General Statutes, Volume 3B, as amended and as the same may be hereafter amended, shall for the

purposes of this Article, be deemed to constitute a single retirement system; and, the North Carolina Local Governmental Employees' Retirement System as established by Article 3 of Chapter 128 of the General Statutes, Volume 3B, as amended and as the same may be hereafter amended, shall be deemed to constitute a single retirement system with respect to each political subdivision having positions covered thereby."

Sec. 8. Amend subsection (a) of G. S. 135-22, Volume 3B, by striking out in the fifth line of said subsection the words "the amount of tax which would be imposed by Section 1400 of" and by inserting in lieu thereof the words "the amount of the employee tax which would be imposed by".

Sec. 9. Amend paragraph (2) of subsection (a) of G. S. 135-23, Volume 3B, by striking out the period appearing at the end of said paragraph (2) and inserting in lieu thereof a comma, and by adding the following: "except that it may exclude services performed by individuals to whom Section 218(c) (3) (C) of the Social Security Act is applicable."

Sec. 10. Amend paragraph (2) of subsection (c) of G. S. 135-23, Volume 3B, by striking out in line six of said paragraph (2) the following words "the amount of tax which would be imposed by Section 1400 of", and by inserting in lieu thereof the words "the amount of the employee tax which would be imposed by".

Sec. 11. Article 2 of Chapter 135 of the General Statutes, Volume 3B, is hereby amended by adding to said Article a new Section to be designated as §135-27, which shall read as follows:

"§135-27. Referenda and Certification. (a) With respect to employees of the State and any other individuals covered by Article 1 of Chapter 135 of the General Statutes, Volume 3B, as amended and as may be hereafter amended, the Governor is empowered to authorize a referendum, and with respect to the employees of any political subdivision he shall authorize a referendum upon request of the governing body of such subdivision covered by Article 3 of Chapter 128 of the General Statutes, Volume 3B, as amended and as the same may be hereafter amended, or by some other retirement system established either by the State or by the political subdivision; and in either case the referendum shall be conducted, and the Governor shall designate an agency or individual to supervise its conduct, in accordance with the requirements of Section 218(d) (3) of the Social Security Act, on the question of whether service in positions covered by a retirement system established by the State or by a political subdivision thereof should be excluded from or included under an agreement under this Article. The notice of referendum required by 218(d) (3) (C) of the Social Security Act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or the individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this Article.

"(b) Upon receiving evidence satisfactory to him that with respect to any such referendum the conditions specified in Section 218(d) (3) of the

Social Security Act have been met, the Governor shall so certify to the Secretary of Health, Education and Welfare."

Sec. 12. That except as appears in subsection (e) of G. S. 135-20, Volume 3B, which is rewritten by this Act, and the change in terminology made in such rewritten version, the words or term "Federal Security Administrator", wherever the same appears in Article 2 of Chapter 135 of the General Statutes, Volume 3B, are hereby stricken out, and there is inserted in lieu thereof the words or term "Secretary of Health, Education and Welfare".

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 498 CHAPTER 1155

AN ACT TO INTEGRATE AND COORDINATE THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WITH THE SOCIAL SECURITY ACT SUBJECT TO THE RESULTS OF A REFERENDUM.

The General Assembly of North Carolina do enact:

Section 1. Amend paragraph (b) of subsection (4) of G. S. 135-5 by striking out the period appearing after the word "compensation" in the last line of said paragraph (b) and by inserting in lieu thereof a semicolon and the word "and"; and following said word "and" by adding a new paragraph to be designated as paragraph "(c)", which shall read as follows:

"(c) With respect to any member covered under the Social Security Act in accordance with the provisions of Article 2 of Chapter 135 of the General Statutes, Volume 3B, as amended, a pension at the rate of nine dollars ($9.00) per year for each full year of membership service for which credit would be allowed under paragraph (b) of this subsection (4) and during which he is so covered, including the prospective period to age sixty (60): Provided, however, that notwithstanding any provision to the contrary the pension provided in this paragraph (c) shall not be payable after the retired member attains the age of sixty-five (65) years and shall not be subject to the provisions of subsection (7) of 135-5."

Sec. 2. Amend subsection (7) of G. S. 135-5 of Volume 3B by adding to said subsection (7) a new paragraph to be designated as paragraph "(a)", which shall read as follows:

"(a) Adjustment of Retirement Allowances for Social Security Benefits.—Until the first payment on account of any benefit becomes normally due, any member may elect to convert his benefit otherwise payable on his account after retirement into a retirement allowance of equivalent actuarial value of such amount that, with his benefit under Title II of the Federal Social Security Act, he will receive, so far as possible, approximately the same amount per year before and after he attains age sixty-five (65)."

Sec. 3. Paragraph (a) of subsection (1) of G. S. 135-8 of Volume 3B is hereby rewritten so that the same shall hereafter read as follows:

"(a) Prior to the first day of July, 1947, each employer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period four per centum (4%) of his earnable compensation; and the employer also shall deduct four per centum (4%) of any compensation received by any member for teaching in public schools, or in any of the institutions, agencies or departments of the State from salaries other than the appropriations from the State of North Carolina. On and after such date the rate so deducted shall be five per centum (5%) of earnable compensation except that, with respect to each member who is eligible for coverage under the Social Security Act in accordance with the agreement entered into during 1955 in accordance with the provisions of Article 2 of Chapter 135 of Volume 3B of the General Statutes, as amended, such deduction shall, commencing with the first day of the period of service with respect to which such agreement is effective, be at the rate of three per centum (3%) of the part of his earnable compensation not in excess of the amount taxable to him under the Federal Insurance Contributions Act as from time to time in effect plus five per centum (5%) of the part of his earnable compensation not so taxable; provided that in the case of any member so eligible and receiving compensation from two or more employers such deductions may be adjusted under such rules as the board of trustees may establish so as to be as nearly equivalent as practicable to the deductions which would have been made had the member received all of such compensation from one employer. Notwithstanding the foregoing, the board of trustees may in its discretion cause such portion as it may determine of deductions made between January 1, 1955 and December 1, 1955, to be transferred into the Contribution Fund established under Session Laws 1951, c. 562, s. 3; such amounts so transferred shall in that event be deemed to be taxes contributed by employees as required under Article 2, Chapter 135 of Volume 3B of the General Statutes as amended, and shall be in lieu of contributions otherwise payable in the same amount as so required. In determining the amount earnable by a member in a payroll period, the board of trustees may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if a teacher or State employee was not a member on the first day of the payroll period."

Sec. 4. Paragraph (c) of subsection (3) of G. S. 135-8, Volume 3B, is hereby rewritten so that the same shall hereafter read as follows:

"(c) Immediately succeeding the first valuation the actuary engaged by the board of trustees shall compute the rate per centum of the total annual compensation of all members which is equivalent to four per centum (4%) of the amount of the total pension liability on account of all members and beneficiaries which is not dischargeable by the aforesaid normal contribution made on account of such members during the remainder of their active service. The rate per centum originally so determined shall

be known as the 'accrued liability contribution' rate. Such rate shall be increased on the basis of subsequent valuations if benefits are increased over those included in the valuation on the basis of which the original accrued liability contribution rate was determined. Upon certification by the actuary engaged by the board of trustees that the accrued liability contribution rate may be reduced without impairing the Retirement System, the board of trustees may cause the accrued liability contribution rate to be reduced."

Sec. 5. Paragraph (d) of subsection (3) of G. S. 135-8 of Volume 3B is hereby rewritten so that the same shall hereafter read as follows:

"(d) The Total amount payable in each year to the pension accumulation fund shall not be less than the sum of the rate per centum known as the normal contribution rate and the accrued liability contribution rate of the total compensation earnable by all members during the preceding year: Provided, however, that, subject to the provisions of paragraph (c) of this subsection (3) the amount of each annual accrued liability contribution shall be at least three per centum (3%) greater than the preceding annual accrued liability payment, and that the aggregate payment by employers shall be sufficient, when combined with the amount in the fund, to provide the pensions and other benefits payable out of the fund during the year then current."

Sec. 6. G. S. 135-11, Volume 3B, is hereby rewritten so that the same shall hereafter read as follows:

"135-11. Application of other pension laws.—Subject to the provisions of Article 2, Chapter 135 of the General Statutes, Volume 3B, as amended, no other provisions of law in any other statute which provides wholly or partly at the expense of the State of North Carolina for pensions or retirement benefits for teachers or State employees of the said State, their widows, or other dependents shall apply to members or beneficiaries of the Retirement System established by this Chapter, their widows or other dependents."

Sec. 7. Article 1 of Chapter 135 of Volume 3B of the General Statutes is hereby amended by adding thereto a new Section to be designated as 135-18.3, which shall read as follows:

"135-18.3. Conditions under which amendments void.—If for any reason the Federal-State Agreement provided in Article 2A of Chapter 135 of the General Statutes, Volume 3B, as amended, is not entered upon, or the referendum authorized therein with respect to positions covered by the Teachers' and State Employees' Retirement System of North Carolina is not held, or the conditions specified in Section 218 (d) (3) of the Social Security Act with respect to such referendum if held are not met, this Act shall be null and void."

Sec. 8. Article 1 of Chapter 135 of Volume 3B of the General Statutes is hereby amended by adding thereto a new Section, which said new Section shall be designated as G. S. 135-18.4, and shall read as follows:

"135-18.4. Reservation of power to change.—The General Assembly reserves the right at any time and from time to time, and if deemed necessary or appropriate by said General Assembly in order to coordinate

with any changes, in the benefit and other provisions of the Social Security Act made after January 1, 1955, to modify or amend in whole or in part any or all of the provisions of the Teachers' and State Employees' Retirement System of North Carolina."

Sec. 8½. Amend subsection (15) of G. S. 135-1, as said subsection (15) appears in the 1953 Supplement to Volume 3B of the General Statutes, by adding, immediately after the figures "($6,500.00).", and immediately before the word "For", as the same appear in the fourth line from the bottom of said subsection (15), the following: "On and after July 1, 1955, each member shall contribute on the basis of his total annual compensation".

Sec. 9. Article 1 of Chapter 135 of Volume 3B of the General Statutes is hereby amended by adding thereto a new Section, to be designated as 135-18.5, and which new Section shall read as follows:

"135-18.5. Provision for emergency expenses of integration of system. —For the purpose of meeting the expenses involved in administering the provisions of this Act to June 30, 1957, and in holding the referendum described herein with respect to positions covered under the Teachers' and State Employees' Retirement System of North Carolina as established by Article 1 of Chapter 135 of the General Statutes, Volume 3B, as amended, any funds not otherwise provided for such purpose by action of the General Assembly during the Section of 1955 may be borrowed from the Pension Accumulation Fund of such System; provided, however, that the amount so borrowed and the expenditure thereof shall be subject to the approval of the board of trustees of such System and the Assistant Director of the Budget, and that such amounts so borrowed shall be repaid as soon as practicable."

Sec. 9½. Amend G. S. 135-3, Volume 3B, by adding at the end of subsection (1) the following: "On and after July 1, 1955, membership in the Retirement System shall begin immediately upon the election, appointment or employment of a 'teacher or employee' ", as the terms are defined in this Chapter.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 499 CHAPTER 1156

AN ACT TO PROHIBIT RACING ON THE STREETS AND HIGHWAYS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 20 of the General Statutes is hereby amended by inserting therein immediately following Section 20-141.2 a new Section to be designated Section 20-141.3 and to read as follows:

(a) "It shall be unlawful for any person to operate a motor vehicle

on a street or highway in a race with another motor vehicle unless such race is approved in advance by and is conducted pursuant to rules and regulations prescribed by the Commissioner of Motor Vehicles.

(b) Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars ($50.00) or by imprisonment for not more than two years or by both such fine and imprisonment in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 521 CHAPTER 1157

AN ACT TO AMEND THE MOTOR VEHICLE LAWS RELATING TO THE SIZE AND EQUIPMENT OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (h) of Section 20-117.1 of the General Statutes is hereby repealed.

Sec. 2. Section 20-127 of the General Statutes is hereby amended by adding to the end thereof a new subsection to be designated subsection (c) and to read as follows:

"The windshield, rear and side glasses of a motor vehicle must be free from discoloration which impair the driver's vision or create a hazard."

Sec. 3. Section 20-129 of the General Statutes is hereby amended by adding at the end thereof a new subsection to be designated subsection (h) and to read as follows:

"No person shall sell or operate on the highways of the State any motor vehicle, motorcycle or motor-driven cycle, manufactured after December 31, 1955, unless it shall be equipped with a stop lamp on the rear of the vehicle. The stop lamp shall display a red or amber light visible from a distance of not less than 100 feet to the rear in normal sunlight, and shall be actuated upon application of the service (foot) brake. The stop lamp may be incorporated into a unit with one or more other rear lamps."

Sec. 4. Chapter 20 of the General Statutes is hereby amended by deleting therefrom subsection (e) of Section 20-129 and by relettering in proper alphabetical order the remaining subsections of the Section and is further amended by deleting from the provisions of Section 20-117.1 the provisions of subsection (a), subsection (b), subsection (c), subsection (d) and subsection (e) and by relettering in proper alphabetical order the remaining subsections of the Section and is further amended by adding to the provisions of Chapter 20 a new Section to be numbered Section 20-129.1 and to read as follows:

"In addition to other equipment required in this Chapter, the following vehicles shall be equipped as follows:

"(a) On every bus or truck, whatever its size, there shall be the following:

"On the rear, two reflectors, one at each side, and one stop light.

"(b) On every bus or truck 80 inches or more in over-all width, in addition to the requirements in paragraph (a):

"On the front, two clearance lamps, one at each side.

"On the rear, two clearance lamps, one at each side.

"On each side, two side marker lamps, one at or near the front and one at or near the rear.

"On each side, two reflectors, one at or near the front and one at or near the rear.

"(c) On every truck tractor:

"On the front, two clearance lamps, one at each side.

"On the rear, one stop light.

"(d) On every trailer or semitrailer having a gross weight in excess of 3,000 pounds:

"On the front, two clearance lamps, one at each side.

"On each side, two side marker lamps, one at or near the front and one at or near the rear.

"On each side, two reflectors, one at or near the front and one at or near the rear.

"On the rear, two clearance lamps, one at each side, also two reflectors, one at each side, and one stop light.

"(e) On every pole trailer in excess of 3,000 pounds gross weight:

"On each side, one side marker lamp and one clearance lamp which may be in combination, to show to the front, side and rear.

"On the rear of the pole trailer or load, two reflectors, one at each side.

"(f) On every trailer, semitrailer or pole trailer weighing 3,000 pounds gross or less:

"On the rear, two reflectors, one on each side. If any trailer or semitrailer is so loaded or is of such dimensions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with one stop light.

"(g) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

"(h) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

"(i) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a backup lamp shall be white or amber."

Sec. 5. Subsection (b) of Section 20-129 of the General Statutes is hereby amended by inserting therein immediately following the comma after the word "less" in the third line of the subsection the words "of approximately the same candle power,".

Sec. 6. Subsection (a) of Section 20-131 of the General Statutes is hereby amended by inserting immediately following the word "persons" in

the last line of the subsection the words "within a distance of 500 feet."

Sec. 7. Subsection (a) of Section 20-131 of the General Statutes is hereby amended by adding to the end of the subsection a new sentence to read as follows:

"Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this State after January 1, 1956, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped."

Sec. 8. Subsection (g) of Section 20-129 of the General Statutes, as the same now appears in the Recompiled Volume 1C, is hereby amended by adding to the end of said subsection two new sentences to read as follows:

"Farm tractors operated on a highway at night must be equipped with at least one white lamp visible at a distance of five hundred feet from the front of the tractor and with at least one red lamp visible at a distance of five hundred feet to the rear of the tractor. Two red reflectors each having a diameter of at least four inches may be used on the rear of the tractor in lieu of the red lamp."

Sec. 9. Subsection (b) of Section 20-154 of the General Statutes is hereby amended by adding to the end thereof a new paragraph to read as follows:

"Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles except combinations operated by farmers in hauling farm products."

Sec. 9½. The provisions of this Act shall not apply to pending litigation.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective on July 1, 1955.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 558 CHAPTER 1158

AN ACT FIXING THE COMPENSATION OF CERTAIN OFFICIALS OF JACKSON COUNTY SO AS TO ALLOW THEM A COST OF LIVING SALARY INCREASE OF 10%.

The General Assembly of North Carolina do enact:

Section 1. That the salaries of the Register of Deeds, the Sheriff, the full-time Chairman of the Board of County Commissioners, the part-time

Commissioners, and the Clerk of the Superior Court of Jackson County, as fixed by Chapter 17, Session Laws of 1947, and Chapter 532, Session Laws of 1951, be and the same are hereby increased by 10% as a cost of living salary increase, said salaries to be paid from the general fund of the county in 12 equal monthly installments.

Sec. 2. The Board of County Commissioners of Jackson County is already authorized by Chapter 506, Session Laws of 1953, in its discretion to grant an increase in salary, wages, or other compensation to the non-elective employees of Jackson County whose salaries, wages, or other compensation come entirely from county funds.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 901 CHAPTER 1159

AN ACT TO AMEND CHAPTER 515 OF THE SESSION LAWS OF 1951, RELATING TO THE NOMINATION OF CANDIDATES FOR MEMBERSHIP ON THE BOARD OF EDUCATION OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 515 of the Session Laws of 1951 is amended by adding a new Section immediately following Section 3, to be designated as Section 3½, and to read as follows:

"Sec. 3½. In the next primary election held in 1956 the three candidates of each party receiving the highest number of votes shall be declared the nominees of their party for terms of four years each, and the two candidates of each party receiving the next highest number of votes shall be declared the nominees of their party for terms of two years each. In the general election to be held in November, 1956, the three candidates nominated for a four-year term in the primary receiving the highest vote shall be nominated for four-year terms and the two candidates nominated in the primary for a two-year term receiving the highest vote shall be nominated for two-year terms. Thereafter, in the years in which the terms of office of the members of the board expire, candidates of each party for successors to membership on the board shall be nominated for terms of four years each."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 941 **CHAPTER 1160**

AN ACT TO ESTABLISH A LAW LIBRARY IN WILKES COUNTY.

WHEREAS, in the Courthouse of Wilkes County there has been set aside a room for a law library; and

WHEREAS, a law library is deemed a necessity for the use of the officials of Wilkes County, and of the courts held in said county; and

WHEREAS, it is desired to provide for the proper equipment, books, records necessary and requisite, and for the proper support and maintenance of said library: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Chairman of the Board of County Commissioners, the Clerk of the Superior Court, and the President of the Wilkes County Bar Association, and their successors in office, be, and they are hereby, constituted the custodian of all books, supplies, equipment and furniture of the law library which shall be kept and maintained for the County of Wilkes and the use of the officials of said county and the courts held therein.

Sec. 2. All books, equipment, supplies and furniture of said library shall be the property of the County of Wilkes, and the said county is authorized and empowered to hold said property and to add thereto from time to time by gift, donations, purchase or otherwise, such books, records, equipment and furniture as may be deemed reasonably necessary and proper for the use of said officials and courts.

Sec. 3. The Clerk of the Superior Court of Wilkes County shall be, and he is hereby, constituted to act as librarian of said library, without compensation. It shall be the duty of said librarian to keep said library room open during such hours as may be fixed by the custodian hereinbefore provided for, and shall obey all rules and regulations which may be prescribed for the government and management of the said library.

Sec. 4. In order to provide a fund for the extension, maintenance and support of the said library, the sum of one dollar ($1.00) shall be taxed as cost and collected by the Clerk of the Superior Court in each and every criminal case tried and disposed of in the Superior Courts of Wilkes County, after the ratification of this Act (except in cases in which said county is adjudged to pay all costs), and shall be put in a fund to be known and designated as a library fund; and the said fund shall be deposited by the Clerk of the Superior Court in a bank designated for that purpose, and shall be used solely for the purpose of the extension, maintenance and operation of said library.

Sec. 5. That from the funds so collected from time to time, as provided in Section 4 of this Act, it shall be the duty of the Clerk of the Superior Court of Wilkes County to purchase and pay for such volumes and sets of books as shall be recommended and agreed upon from time to time by the Chairman of the Board of Commissioners of Wilkes County, the Clerk of the Superior Court of said County, and a committee to be appointed anually by the Wilkes County Bar Association. All checks on said account shall be

drawn and signed by the Clerk of the Superior Court of Wilkes County, and it shall be the duty of the said clerk to keep a correct account of all receipts and disbursements in connection with said library fund.

Sec. 6. That all laws and clauses of laws in conflict herewith regarding the disposition of costs received by the office of the Clerk of the Superior Court of Wilkes County, or any of the courts inferior to said Superior Court, are hereby repealed.

Sec. 7. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1076 CHAPTER 1161

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MECKLENBURG COUNTY TO REGULATE, CONTROL, AND RESTRICT THE LAYING OF PIPES AND THE LOCATION AND CONSTRUCTION OF HOUSES, TANKS, RESERVOIRS, AND PUMPING STATIONS FOR THE STORAGE OF GAS AND OIL IN AREAS LOCATED OUTSIDE THE CORPORATE LIMITS OF ANY CITY OR TOWN IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Mecklenburg County is authorized by ordinance, to adopt reasonable rules and regulations in conformity with nationally recognized standards of engineering and fire prevention concerning the installation of outside above ground tanks for storage of gasoline, kerosene and fuel oil in those areas located outside the corporate limits of any city or town in Mecklenburg County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1190 CHAPTER 1162

AN ACT TO REQUIRE THE REGULAR TAX COLLECTOR OF MITCHELL COUNTY TO COLLECT ALL DELINQUENT TAXES AND TURN THE SAME OVER TO THE COUNTY TREASURER.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this Act the regular Tax Collector of Mitchell County is required to collect all delinquent taxes and turn the same over to the County Treasurer. He shall receive a commission of five per cent (5%) on all delinquent taxes collected.

Sec. 2. The County Accountant of Mitchell County, who has heretofore been charged with the collection of delinquent taxes in said county, shall

turn over to the regular Tax Collector of Mitchell County all books, records, tax receipts and any and all things pertaining to said delinquent taxes and shall settle with the board of county commissioners on any and all delinquent taxes heretofore collected.

Sec. 3. That Section 2 of Chapter 859 of the Session Laws of 1951 be and the same is hereby repealed.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1206 CHAPTER 1163

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM BY DEFINING THE CORPORATE LIMITS OF THE CITY TO INCLUDE THE AREAS ANNEXED PRIOR TO DECEMBER 31, 1954.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 16 of the Session Laws of North Carolina for 1951 is hereby amended, by striking therefrom the legal description of the corporate limit lines of the City of Winston-Salem and by inserting in lieu thereof the following:

BEGINNING at a point in the North line of 30th Street the division corner between lots 192 and 193, Block 1183, Forsyth County Tax Map, said division corner being 50 feet westwardly from Greenway Avenue; running thence along the division line between said lots 192 and 193 North 2 degrees 40 minutes East 152.6 feet to the North division corner between lots 192 and 193, Block 1183, Forsyth County Tax Map; thence along the North line of lots 193 and 194, North 89 degrees 20 minutes West 111.4 feet to the northwest corner of said lot 194, said northwest corner of lot 194 being also the southwest corner of the Greenway Apartments, Inc.; running thence along the line of said Greenway Apartments, Inc., the following four courses: North 0 degrees 25 minutes East 819 feet, North 88 degrees 10 minutes East 218.8 feet, North 0 degrees 25 minutes East 85.4 feet and North 89 degrees 48 minutes East 508.4 feet to a point said point being 175 feet northwardly from Inverness Street and also 150 feet westwardly from Bon Air Avenue; thence along a line that is 150 feet West of and parallel to said Bon Air Avenue North 0 degrees 22 minutes East 258.4 feet to an iron stake in the South line of a sand clay road, said iron stake being 132 feet West of and at right angles to the existing tangent of the West line of Patterson Avenue Extension on U. S. Route 52, thence along a line that is 132 feet West of and parallel to the existing tangent of the West line of said Patterson Avenue Extension and its projection North 28 degrees 35 minutes West 1551.8 feet to an iron stake in the right of way of the Southern Railway Company, said iron stake being 1.5 feet East of the R. J. Reynolds fence and approximately 14 feet North

of the South line of the first shed, thence along said right of way North 42 degrees 15 minutes West 343.7 feet to an iron stake, said iron stake being where the South line of Walker Road extended westwardly intersects a line in the Southern Railway right of way 1.5 feet East of the R. J. Reynolds fence and being 27.3 feet North from the South line of the third shed, thence crossing the railroad and Patterson Avenue Extension and falling in with the South line of Walker Road, the five following courses and distances: South 87 degrees 44 minutes East 693.7 feet to an iron stake, North 85 degrees 56 minutes East 789.5 feet to an iron stake on the East side of the new U. S. Highway #52, said iron stake being 14.2 feet South from the East end of the new bridge, North 83 degrees 28 minutes East 295.5 feet to an iron stake, North 68 degrees 19 minutes East 422.1 feet to an iron stake, said iron stake being approximately where the East line of Leo Street intersects the South line of Walker Road, North 46 degrees 54 minutes East 792.1 feet to an iron stake the northeast corner of lot 107 (Block 983 Forsyth County Tax Map) Bronton Development, thence with the East line of said lot 107, South 43 degrees 04 minutes East 200.7 feet to an iron stake the southeast corner of said lot 107, thence crossing Carolina Boulevard South 27 degrees 46 minutes East 409.3 feet to an iron stake in the North line of Virginia Avenue 226.4 feet westwardly from Creason Street in the South line of lot 20, Block 984 (Forsyth County Tax Map) Bronton Development, thence crossing Virginia Avenue and Chemical Avenue along a line that is 195 feet East of and parallel to the East line of Carolina Boulevard South 1 degrees 47 minutes West 708.8 feet to an iron stake in the northerly line of Glenn Avenue Extension, thence crossing Glenn Avenue Extension South 86 degrees 25 minutes East 274 feet to an iron stake in the West edge of Creason Street, said iron stake being 305 feet North from the North line of Hanes Street, thence crossing Hanes Street South 16 degrees 41 minutes East 1700.0 feet to an iron stake on the South bank of a branch, thence with the branch the eighteen (18) following courses: South 55 degrees 55 minutes East 31.5 feet to an iron stake, thence crossing the N. & W. Yards South 85 degrees 51 minutes East 659.3 feet to an iron stake on the East side of Liberty Street, South 70 degrees 19 minutes East 184.4 feet to an iron stake, South 63 degrees 49 minutes East 277.4 feet to an iron stake, South 18 degrees 58 minutes East 73.2 feet to an iron stake, South 65 degrees 02 minutes East 171.5 feet to an iron stake, South 81 degrees 00 minutes East 113.1 feet to an iron stake, South 57 degrees 40 minutes East 117.4 feet to an iron stake, South 0 degrees 15 minutes East 90.0 feet to an iron stake, South 41 degrees 38 minutes East 69.3 feet to an iron stake, South 48 degrees 40 minutes East 359.2 feet to an iron stake, South 19 degrees 39 minutes East 146.0 feet to an iron stake, South 25 degrees 55 minutes East 223.2 feet to an iron stake, South 60 degrees 15 minutes East 307.8 feet to an iron stake, South 70 degrees 41 minutes East 530.6 feet to an iron stake in the North bank of the branch, South 44 degrees 11 minutes East 370.2 feet to an iron stake on the South bank of the branch 86.2 feet eastwardly from the center of Rochester Street, South 79 degrees 06 minutes East 59.3 feet to an iron stake on the South bank of branch, thence leaving the branch and

falling in with the East line lots 24, 23, 22, 21 Sanford Snyder Estate South 6 degrees 34 minutes West 802 feet to an iron stake the northeast corner of lot 20 of said Snyder Estate, thence continuing with the East line of lots 20, 19, 32 and crossing White Oak Street, South 26 degrees 04 minutes West 324.8 feet to an iron stake in the South line of White Oak Street, thence with the South line of White Oak Street South 84 degrees 19 minutes West 58.1 feet to an iron stake in the East line of an alley, thence with East line of said alley southwardly 211.8 feet to an iron stake, thence South 83 degrees 42 minutes East 1821 feet to an iron stake, the northwest corner of lot No. 136 of the Alexander Heights Development; thence with the South line of a ten-foot alley South 88 degrees 50 minutes East 340.0 feet to an iron stake at the northwest corner of lot No. 122 of the said development; thence South 1 degree 10 minutes West 497.2 feet to an iron stake at the southeast corner of lot No. 90 of the said Alexander Heights Development, thence South 7 degrees 30 minutes West 2494.3 feet to an iron stake on the North side of the Mickey Mill Road, said iron being at the southeast corner of lot No. 143 of the "Overbrook" property; thence South 49 degrees 08 minutes West 471.3 feet to an iron stake located at a point 200 feet North of the eastern terminus of East 14th Street; thence with the line of the city school property and its extension, South 2 degrees 20 minutes West 858 feet to the northwest corner of the property of Slater Park; said northwest corner being North 3 degrees 38 minutes East 613 feet from the North line of 12th Street; thence along the northerly line of said Slater Park property the following 13 courses: South 67 degrees 42 minutes East 163 feet, South 64 degrees 04 minutes East 100 feet, North 60 degrees 11 minutes East 112.5 feet, South 64 degrees East 90 feet, South 65 degrees 08 minutes East 278 feet, South 60 degrees 35 minutes East 230.7 feet, South 33 degrees 05 minutes East 242 feet, South 31 degrees 56 minutes East 128.6 feet, South 70 degrees 36 minutes East 262.5 feet, South 53 degrees 25 minutes East 27 feet, North 75 degrees 20 minutes East 75.7 feet, South 77 degrees 03 minutes East 100 feet, and South 58 degrees 50 minutes East 65 feet to a point in the northwesterly line of U. S. Highway No. 311; thence along the northwesterly line of said U. S. Highway No. 311, crossing Gerald Street, South 41 degrees 0 minutes West 488 feet to a corner of said Slater Park property; thence North 49 degrees 0 minutes West 240 feet to the division corner between lots 7 and 8, Slater Park Development; thence along the rear or southeasterly line of lots 8, 9, 10, 11, 12, 13 and 14 of said Slater Park Development South 41 degrees 16 minutes West 404.6 feet to a point a corner of said lot 14; thence South 48 degrees 44 minutes East 240 feet to a point in the northerly line of U. S. Highway No. 311, said point being 30 feet from and at right angles to the center line of U. S. Highway 311; thence along the northerly line of U. S. Highway 311, South 41 degrees 0 minutes West 209.8 feet to a point, corner of Slater Park property said point being also 30 feet from and at right angles to the center line of U. S. Highway 311; thence along the line of Slater Park property the three (3) following courses, North 86 degrees 45 minutes West 550.3 feet to an iron stake, North 3 degrees 16 minutes East 371.3 feet to a stake and North 87 degrees 20 minutes West

370.3 feet to a stone; thence South 2 degrees 40 minutes West (bearing shown on map of Slater Park Development being South 4 degrees 04 minutes West) 373 feet to an iron stake at the northeast corner of the Cameron Park property; thence South 21 degrees 34 minutes East 825.0 feet to an iron stake; thence South 39 degrees 44 minutes East 812.0 feet to an iron stake, a corner of Cameron Park property and W. D. Temple property; thence South 5 degrees 16 minutes West 540 feet to a point on the westerly bank of Brushy Fork Branch; thence southwardly along the westerly bank of Brushy Fork Branch as it meanders to a point on the South bank of Salem Creek, thence along the South bank of Salem Creek the following four courses: South 89 degrees 20 minutes East 335.0 feet to an iron; North 88 degrees 20 minutes East 448.0 feet to an iron; South 72 degrees 35 minutes East 600.0 feet to an iron; South 87 degrees 40 minutes East 259.0 feet to an iron stake on the South bank of Salem Creek; thence with the East line of the "Longview" property and its extension South 12 degrees 25 minutes East 4911.5 feet to an iron stake, a corner of the "Nissen Park" property and the said "Longview" property; thence with a line of the said "Nissen Park" property North 77 degrees 10 minutes East 751.2 feet to an iron; thence South 83 degrees 00 minutes East 2143.0 feet to an iron on the East line of Leight Street; thence with the East line of Leight Street North 4 degrees 50 minutes West 1279.0 feet to an iron stake, 150 feet North of the North line of Linville Street; thence parallel to Linville Street, South 86 degrees 00 minutes East 1061.4 feet to an iron stake; thence South 9 degrees 00 minutes West 998.0 feet to an iron stake; thence South 86 degrees 50 minutes East 585.0 feet to an iron stake on the East line of Butler Street; thence with the East line of Butler Street South 28 degrees 40 minutes East 778.6 feet to an iron stake on the North side of Waughtown Street; thence South 17 degrees 40 minutes West 233.6 feet to an iron stake; thence crossing Sprague Street Extension South 18 degrees 18 minutes East 404.5 feet to an iron; thence South 55 degrees 12 minutes West 826.7 feet to an iron; thence South 34 degrees 00 minutes West 1605.1 feet to an iron; thence South 39 degrees 49 minutes West 647.6 feet to an iron; thence South 85 degrees 25 minutes West 300.0 feet to an iron; thence South 7 degrees 30 minutes East 398.0 feet to an iron; thence South 21 degrees 30 minutes East 1284.3 feet to an iron; thence South 52 degrees 55 minutes East 446.0 feet to an iron; thence South 2 degrees 30 minutes West 362.0 feet to an iron stake 150 feet South of Clodfelter of Mansfield Street; thence parallel to Clodfelter Street North 88 degrees 00 minutes West 1744.0 feet to an iron at a branch; thence with said branch the following five courses: South 6 degrees 05 minutes West 97.3 feet to an iron; South 42 degrees 00 minutes West 62.7 feet to an iron; South 10 degrees 50 minutes West 51.0 feet to an iron; South 38 degrees 10 minutes West 97.0 feet to an iron; South 22 degrees 40 minutes West 100.0 feet to an iron at the intersection of another branch; thence with the latter branch the following seven courses: North 51 degrees 40 minutes West 260.0 feet to an iron; North 37 degrees 55 minutes West 517.3 feet to an iron; North 89 degrees 30 minutes West 100.0 feet to an iron; South 80 degrees 40 minutes West 296.5 feet to an iron; North 70

degrees 00 minutes West 455.4 feet to an iron; North 56 degrees 47 minutes West 391.0 feet to an iron; North 36 degrees 40 minutes West 229.5 feet to an iron on the northwesterly side of an alley; thence with the northwesterly line of said alley the following two courses: South 68 degrees 30 minutes West 270.3 feet to an iron; South 62 degrees 06 minutes West 812.0 feet to an iron stake on the northeasterly side of the Thomasville Road; thence crossing Thomasville Road South 54 degrees 22 minutes West 497.4 feet to an iron stake in the extension of the rear lines of the lots fronting on the South side of Crowder Street; thence with the rear line of said lots North 89 degrees 10 minutes West 1400.0 feet to an iron stake on the East edge of an old road; thence South 29 degrees 12 minutes West 945.1 feet to an iron stake in the edge of the woods; thence South 5 degrees 59 minutes West 527.2 feet to an iron stake at the northwest corner of lot No. 5 in block "A" of the E. B. Cassell property, said corner being 150 feet East of an unnamed street in said Cassell property; thence parallel to said unnamed street South 1 degree 37 minutes West 1521.7 feet to an iron stake at the southwest corner of lot No. 3 in block "F" of said Cassell property; thence with the South line of said Cassell property and its extension North 88 degrees 33 minutes West 350.0 feet to an iron stake; thence South 12 degrees 35 minutes East 662.9 feet to a stone, a corner of the county school lot; thence with the North line of said school lot South 87 degrees 28 minutes West 262.5 feet to a stone on the East side of the Lexington Road, a corner of said school lot; thence crossing said Lexington Road, North 75 degrees 50 minutes West 478.4 feet to an iron stake; thence approximately parallel with the Lexington Road, North 7 degrees 22 minutes West 2708.5 feet to an iron stake located 400.4 feet West of the southeast corner of Lexington Road and Pope Street; thence North 1 degree 23 minutes East 928.0 feet to an iron stake on the East line of a street West of the New Eden Moravian Church; thence North 89 degrees 24 minutes West 367.2 feet to a stone; thence North 18 degrees 44 minutes West 1092.0 feet to an iron stake; 46 minutes West 811.4 feet to an iron stake; thence South 3 degrees 31 minutes West along the line of Douglas Battery Company 218.3 feet to an iron stake the southwest corner of said Douglas Battery Company property; thence along the South line of Douglas Battery Company South 87 degrees 44 minutes East 96.9 feet to an iron stake; thence with the East right of way line of the Winston-Salem Southbound Railroad Company South 11 degrees 46 minutes West 1710.5 feet to an iron stake in the North line of lot No. 30 on map of Harmon Rothrock; thence along the North line of said lot No. 30 North 87 degrees 36 minutes West 47.4 feet to a stone the northwest corner of lot No. 30; thence along the West line of lots 30, 32, 34 and 36 of said Harmon Rothrock property and being also the East right of way of the Winston-Salem Southbound Railroad Company South 0 degrees 21 minutes West 1390 feet to an iron stake; thence South 45 degrees 58 minutes West 608.4 feet to an iron stake; thence with the East right of way line of the Winston-Salem Southbound Railroad Company crossing Waughtown-Clemmons Road South 11 degrees 34 minutes West 789.4 feet to an iron stake; thence on a line 200 feet South of and parallel to the Waughtown-Clemmons Road

crossing Highway #52, North 88 degrees 50 minutes West 2177.6 feet to an iron stake in the South line of lot 60, block 1323, Forsyth County Tax Map; thence South 86 degrees 45 minutes West 925.5 feet crossing Konnoak Drive to an iron stake the northeast corner of lot 12, block 1303, Forsyth County Tax Map; thence on a line west of Konnoak Drive crossing Waughtown-Clemmons Road North 6 degrees 07 minutes West 1502.4 feet to an iron stake; thence North 0 degrees 36 minutes West 1123.5 feet to an iron stake; the northwest corner of lot No. 10 of the J. T. Etheridge Development; thence North 4 degrees 46 minutes West 180 feet to a point in the South line of McLean Avenue, said point being about 155 feet westwardly from Konnoak Drive; running thence along the South line of said McLean Ave. North 85 degrees 44 minutes West 360 feet more or less to a point where the West line of lot 1 through 9, Block "B" extended southwardly intersects said South line of McLean Ave.; thence crossing McLean Ave. and falling in with the West line of lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block "B" North 7 degrees 16 minutes West 742.34 feet to an iron stake in the West line of said lot No. 10; thence continuing with the West line of lot No. 10 and falling in with the West line of lots 11, 12, 13 and 14, Block "B" North 0 degrees 05 minutes East 321.75 feet to an iron stake in the South line of Weisner Street the northwest corner of said lot No. 14; thence crossing Weisner Street northwardly 50 feet to an iron stake in the North line of Weisner Street the southwest corner of lot No. 7 Block "D" thence along the West line of lot 7, Block "D" North 0 degrees 10 minutes East 145 feet to an iron stake in the South line of Holton Park Development, the northwest corner of said lot 7, Block "D" thence along the North line of lots 7, 6, 5 4 and 3, Block "D" and being also the South line of Holton Park Development 587 degrees 37 minutes East 350 feet to a point, said point being also the northwest corner of lot No. 2, Block "D"; thence North 4 degrees 46 minutes West crossing Beth Avenue, 341 feet more or less to a point in the South line of Woodvale Heights Development; thence along the North line of Holton Park Develpoment North 80 degrees West 849.96 feet to a stake; thence along the East line of Holton Park and Bahnson Acres North 7 degrees 58 minutes East 1602.5 feet to a stake in the South line of Plant Street; thence with the South line of Plant Street and Numa B. Carter South 83 degrees 55 minutes East 611 feet to a stake at a branch; thence with said branch the following four courses: North 20 degrees 30 minutes West 87.5 feet; North 45 degrees 30 minutes West 133.0 feet; North 25 degrees 35 minutes West 198.0 feet; North 40 degrees 20 minutes West 237.0 feet to the intersection of another branch; said intersection being just East of Freeman Street; thence westwardly along the North bank of latter branch to a point in Mrs. Emma Fogle's East line; thence with said Fogle's line and the West line of twenty-foot alley northwardly to a point on the South side of the Salisbury Road; thence northwardly crossing the Salisbury Road to the northwest corner of said road and an alley shown on the map of the Winston-Salem Land and Investment Company, recorded in the office of the Register of Deeds of Forsyth County; thence with the West line of said alley and its continuation in a straight course northwardly

to a point on the South bank of Salem Creek; thence in a northeasterly direction up the South bank of Salem Creek 1430.0 feet to a point on the South bank of said creek; thence in a northwesterly direction 2700.0 feet to the southwest corner of the Granville Place Development said corner being at the southwest corner of lot No. 11 in Block No. 11 in said development; thence South 83 degrees 35 minutes West 2689.0 feet to a stake on the West side of Gales Avenue, said stake being at the southeast corner of lot No. 103 in "Ardmore Section No. 4" development; thence South 4 degrees 02 minutes East 954.9 feet to an iron stake on the South side of a farm road; thence along the South line of said farm road North 88 degrees 42 minutes East 413.3 feet to the line of N. P. Stone property; thence along the line of said N. P. Stone the following four courses: South 1 degree 02 minutes West 209.9 feet to a point, North 88 degrees 28 minutes West 115.4 feet to a point, South 0 degrees 04 minutes East 232.2 feet to a point and South 89 degrees 14 minutes East 561.2 feet to an iron stake in the line of J. F. Sink; thence along the line of J. F. Sink and falling in with the line of R. G. Simpson South 0 degrees 15 minutes West 857 feet to an iron stake; thence along the South line of Lockland Terrace Development North 89 degrees 19 minutes West 955.75 feet to an iron stake in the East line of Lockland Avenue, the southwest corner of lot No. 26, Lockland Terrace Development; thence along the East line of Lockland Avenue crossing Princeton Street North 02 degrees 49 minutes East, 406.6 feet to an iron stake the P. C. or beginning of a curve left; thence continuing with the curved East line of Lockland Avenue, a chord measurement of North 14 degrees 19 minutes West 295.5 feet to an iron stake, the northwest corner of W. E. Kessler lot; thence crossing Lockland Avenue, and falling in with the North line of C. C. Cheatham's Stafford Farm Development, North 88 degrees 15 minutes West 2246.7 feet more or less to the northeast corner of lot AB as shown on map of Theo E. Ebert et al.; thence along the East line of lots AB, AA, N, Y and X of said map of Theo E. Ebert et al. South 6 degrees 48 minutes East 567.66 feet to the southeast corner of said lot X, in the North line of Boone Avenue; thence along the North line of Boone Avenue crossing Irving Street, North 86 degrees 15 minutes West 658.62 feet to the northeast corner of Miller Street and Boone Avenue; thence crossing Miller Street, westwardly 55 feet more or less to the division corner between lots 31 and 32, block 2291, Forsyth County Tax Map; thence along the South line of lots 31 and 30, block 2291, Forsyth County Tax Map, westwardly 486.45 feet to the southwest corner of said lot 30, in the East line of lot 7, block 3809; thence along the East line of lot 7, block 3809, southwardly 30 feet more or less to the southeast corner of lot 7; thence along the South line of lots 7 and 1, block 3809, and extended across Ebert Street, westwardly 722 feet more or less to a point in the West line of Ebert Street; thence along the West line of Ebert Street northwardly 360 feet more or less to a point, said point being 150 feet southwardly from Cherokee Lane; thence along a line that is 150 feet South of and parallel to Cherokee Lane South 87 degrees 02 minutes West 1200 feet more or less to a point in the East line of lot No. 1 of Boone Park Development, said point being

also in the West line of lot No. 46 of Westover Park Annex No. 3; thence along the East line of lots 1, 3, 4, 5, 6, 7, 9, crossing Boone Avenue and continuing with the East line of lots 10, 13, 14 and part of 15 of Boone Park Development, South 6 degrees 57 minutes East 959 feet to the southwest corner of lot No. 16, map of Westover Park Annex No. 3.; thence along the South line of said lot No. 16, eastwardly 146.33 feet to a point in the West line of Kenwood Street; (formerly Sharon Street) thence along the West line of Kenwood Street northwardly 240 feet to the southeast corner of lot 24; thence crossing Kenwood Street, eastwardly 50 feet to the northwest corner of lot No. 71 in the East line of Kenwood Street; thence along the East line of said Kenwood Street northwardly 176.25 feet to the southeast corner of Boone Avenue and Kenwood Street; thence along the South line of Boone Avenue eastwardly 201.98 feet to the northeast corner of lot No. 65; thence northwardly crossing Boone Avenue 50 feet to a point in the North line of Boone Avenue; thence along the North line of Boone Avenue eastwardly, North 88 degrees 30 minutes East 695 feet more or less to a point in West line of Ebert Street; thence with the West line of Ebert Street South 1 degree 50 minutes East 1059.4 feet more or less to an iron stake the southwest corner of Ebert Street and Byrd Avenue; (Link Road) thence along the South line of Byrd Avenue (Link Road) North 87 degrees 32 minutes West 773.2 feet to an iron stake; said iron stake being located 40 feet southwardly from an old iron stake, the southeast corner of Westover Park Annex No. 3; thence continuing with the South line of Byrd Avenue (Link Road) North 87 degrees 37 minutes West 913 feet more or less to an iron stake, the northwest corner of John S. Barton lot as shown on map of John S. Barton as recorded in the office of the Register of Deeds of Forsyth County, North Carolina, in Plat Book 17, page 9; thence South 0 degrees 58 minutes West 114.8 feet to an iron stake in the North line of lot No. 104 as shown on map of Ardmore Acres recorded in Plat Book 12, page 3, Register of Deeds, Forsyth County, North Carolina, said iron stake being also the southwest corner of said lot of John S. Barton; thence with the North line of said lot No. 104, North 86 degrees 52 minutes West, 506.56 feet to an iron stake on the East bank of a branch, continuing North 86 degrees 52 minutes West 10 feet more or less or a total distance of 516.56 feet more or less to the center of said branch; thence southeastwardly with the center of said branch as it meanders, the random line distance being 1390 feet more or less to the northeast corner of G. W. Burton; thence with the North line of said Burton North 86 degrees 42 minutes West 1210 feet more or less to a post oak, a northeast corner of S. A. Kimel; thence with the North line of said S. A. Kimel; North 87 degrees 29 minutes West 805.3 feet to an iron stake at the center of a new 60-foot street a corner of S. A. Kimel; thence with the center of said new street and an East line of said Kimel North 2 degrees 24 minutes East 324.6 feet more or less to a point; thence South 89 degrees 37 minutes East 215 feet to an iron stake, the southeast corner of Kenneth B. Johnson; thence North 2 degrees 24 minutes East 360 feet to a point in the North line of S. A. Kimel, said point being South 89 degrees 37 minutes East 215 feet from

the center of the aforesaid new 60-foot street; thence with a South line of said Kimel South 89 degrees 37 minutes East 204.4 feet more or less to a stone the southwest corner of the Oak Ridge School property; thence with said school property the two following courses and distances: South 87 degrees 37 minutes East 396 feet to an iron stake and North 1 degree 48 minutes East 330 feet to an iron stake in a South line of West End properties; thence with said West End properties the two following courses and distances: South 87 degrees 41 minutes East 147.7 feet to a stone and North 1 degree 37 minutes East 55.5 feet to an iron by a stone, a southwest corner of C. S. Ebert; thence with said Ebert the four following courses and distances: South 87 degrees 08 minutes East 410.4 feet to an iron stake just West of a spring branch, North 3 degrees 42 minutes East 269.1 feet to a stone just North of another spring branch, South 83 degrees 51 minutes East 159.6 feet, crossing said branch several times to a maple tree, North 85 degrees 59 minutes East 37 feet to a point in the center of Burk's Bottom Branch; thence along the center of said branch North 7 degrees 29 minutes West 59.55 feet to a point in the South line of Byrd Avenue; thence along the South line of Byrd Avenue South 87 degrees East 180 feet more or less to a point; thence North 5 degrees 12 minutes East crossing Byrd Avenue 138.4 feet to the southwest corner of lot No. 25 as shown on map of Boone Park; thence along the West line of lots 25, 26, 27, 28, 29 and part of 30 of Boone Park Development North 8 degrees 25 minutes West 368.9 feet to a point in the West line of said lot 30, said point being also the southeast corner of lot No. 32; thence along the South line of said lot 32 and continuing along said South line extended North 87 degrees 10 minutes West crossing a branch 288.8 feet to a point the southwest corner of the property of Bilt-Rite Construction Company; thence along the line of Bilt-Rite Construction Company North 3 degrees 21 minutes East 426.7 feet to the southwest corner of the reserved part shown on map of Magnolia Park; thence along the West line of said reserved part as shown on Magnolia Park, North 9 degrees 22 minutes West 1033 feet more or less to a point West of a branch, said point being 265 feet more or less West of Magnolia Street; thence South 89 degrees 47 minutes West 1865 feet more or less to an iron stake in a field; thence North 00 degrees 36 minutes East 178 feet more or less to a point; thence about North 86 degrees 10 minutes West 228 feet more or less to a point; thence about North 11 degrees 56 minutes East 660 feet more or less to a point in the South line of lot No. 79 of West Branchland Development, said point being also 125 feet East of Kinnamon Street; thence along a line 160 feet South of and parallel to Hawthorne Road about South 86 degrees 10 minutes East 115 feet to the South division corner between lots 80 and 81 of West Branchland Development; thence along the division line between said lots 80 and 81 crossing Hawthorne Road and falling in with a line that is 240 feet West of and parallel to Bodford Street (formerly High Street) North 00 degrees 36 minutes East 1153.7 feet to the North division corner between lots 12 and 13 of West Branchland; thence on a line North 6 degrees 22 minutes West 1594.2 feet to an iron stake 25 feet North of the center line of U. S. Highway No. 158, said iron stake being

also 1.0 foot outside of the fence line of the P. H. Hanes Knitting Company extended southwardly. Thence parallel to and 1.0 foot outside the said fence line North 26 degrees 17 minutes West 710.5 feet to an iron stake, 1.0 foot outside said fence; thence parallel to and 1.0 foot outside said fence, North 43 degrees 28 minutes West 870.3 feet to an iron stake; thence North 00 degrees 58 minutes West falling in with the West line of Woodvale Development 576.7 feet to a point in the West line of lot No. 20 of said Woodvale Development, said point being also the southeast corner of lot 31, Strathmore Development; thence along the South line of said Strathmore Development and falling in with the South line of Lawndale Acres Development, North 85 degrees 22 minutes West 1549.2 feet to the southwest corner of lot 41 of said Lawndale Acres Development; thence along the West line of lots 41, 42, 43, 44, 45, 46, 47, crossing Cambridge Road and continuing along the West line of lots 48, 49, 50, 51, 52 and 53, North 0 degrees 41 minutes East 1102.48 feet to the northwest corner of said lot 53, in the South line of W. C. Tise property; thence along the line of W. C. Tise, North 80 degrees 42 minutes East 586.44 feet to the southeast corner of W. C. Tise, said southeast corner being also the division corner between lots 23 and 24, Lawndale Acres; thence along the East line of W. C. Tise and being also the West line of lots 24 and 25 of Lawndale Acres Development North 13 degrees 05 minutes East 155.72 feet to the northwest corner of lot 25, map of Lawndale Acres, Map No. 1, recorded in Plat Book 17, page 52, office of the Register of Deeds, Forsyth County, North Carolina; thence continuing North 13 degrees 05 minutes East a total distance of 165.73 feet to the original South line of Grady Street, and being the northeast corner of W. C. Tise, said original South line of Grady Street being 30 feet South of and parallel to the South line of Burkwood Place Development, recorded in Plat Book 4, page 133, office of the Register of Deeds, Forsyth County, North Carolina; running thence along the original South line of Grady Street North 87 degrees 35 minutes West 460 feet more or less to a point, said point being South 2 degrees 39 minutes West 30 feet from the southwest corner of lot 17, as shown on map of J. H. West Company, Inc. recorded in Plat Book 16, page 128, office of the Register of Deeds, Forsyth County, North Carolina; thence crossing Grady Street and falling in with the West line of lots 17, 18 and 19 of said J. H. West Company, Inc., North 2 degrees 39 minutes East 269.66 feet to an iron stake, said iron stake being 0.34 feet southwardly from the northwest corner of said lot 19; thence along the West line of lots 19, 20, 21 and 22, North 2 degrees 41 minutes East 222.23 feet to an iron stake in the West line of said lot 22, said iron stake being 18.11 feet southwardly from the northwest corner of lot 22; thence along the West line of lots 22, 23, 24, 25 and 26 North 2 degrees 39 minutes East 338.11 feet to the northwest corner of said lot 26 and being also a corner of Ebert property; thence along the North line of lot 26, South 87 degrees 52 minutes East 191.49 feet to the northeast corner of lot 26, in the West line of Lawndale Drive said northeast corner of lot 26 being also a corner of Ebert property; thence along the West line of Lawndale Drive North 2 degrees 31 minutes East 435.6 feet to a point in the

South right of way line of West First Street; thence along the South right of way line of West First Street, crossing Lawndale Drive northeastwardly 242.67 feet more or less to the division line between Burkwood Place Development, recorded in Plat Book 4, page 133 and J. H. West Development, recorded in Plat Book 16, page 128; thence along the extended division line between Burkwood Place and J. H. West Company, Inc., crossing West First Street northwardly 60 feet to a point in the North line of West First Street, said point being 30 feet North of and at right angles to the center line of said West First Street, and being just West of the entrance of the Forsyth Country Club; thence North 3 degrees 14 minutes West 2803.9 feet to an iron stake; thence North 1 degree 20 minutes West 200 feet to a point in the South line of Pine Valley Road (formerly Westview Drive); thence along the South line of Pine Valley Road about North 60 degrees West 138.7 feet to the P. C. or beginning of a curve to the left; thence along said curve to the left the radius of which is 217.74 feet in a northwestwardly direction of 161.77 feet to the P. T. or end of said curve to the left; thence continuing along the South line of Pine Valley Road South 76 degrees 04 minutes West 176.16 feet to the northeast corner of lot 1, block H, Sherwood Forest Section No. 3, recorded in Plat Book 16, page 219; said northeast corner of lot 1, block H, being also a corner of the Forsyth Country Club property; thence along the southerly line of lot 1, block H, the two following courses: South 18 degrees 27 minutes West 104.12 feet and South 39 degrees 48 minutes West 258.02 feet to the division corner between lots 1 and 2, block H in the line of Forsyth Country Club property; thence along the South line of lots 2, 3, 4, 5, 6, 7 and 8, block H, of said Sherwood Forest Section No. 3, South 78 degrees 54 minutes West 781.72 feet to the division corner between lots 8 and 9, block H; thence along the South line of lots 9, 10 and 11, South 35 degrees 17 minutes West 452 feet to the southwest corner of lot 11; thence along the westerly line of lot 11, crossing Yorkshire Road, North 30 degrees 25 minutes West 444.64 feet to a point in the northerly line of Yorkshire Road; thence along the northerly line of Yorkshire Road North 57 degrees 42 minutes East, 84 feet to the southwest corner of lot 12, block L; thence along the line of said lot 12, block L North 32 degrees 18 minutes West, 140 feet, corner of lot 12; thence along the line of lots 12, 11, 8 and 7, block L, Sherwood Forest Section 3, North 4 degrees 47 minutes East 803.08 feet to the northwest corner of lot 7, block L in the line of the property of B. Clyde Shore (Shoreland Park); thence along the division line between B. Clyde Shore and Sherwood Forest Development, North 87 degrees 27 minutes West (Sherwood Forest Section 3 having a bearing of South 89 degrees 08 minutes West) 179 feet more or less to a point in the center of Silas Creek; thence along the center line of said Silas Creek the following 11 courses: North 9 degrees 30 minutes East 98 feet, North 22 degrees 30 minutes East 220 feet, North 81 degrees 40 minutes East 48 feet, North 8 degrees 30 minutes West 59 feet, North 11 degrees 30 minutes East 212 feet, North 4 degrees 30 minutes East 123 feet, North 18 degrees 50 minutes West 264 feet, North 8 degrees 35 minutes West 178 feet, North 29 degrees 30 minutes East 123

feet, North 36 degrees 30 minutes East 451 feet and North 7 degrees 10 minutes East 94 feet to a point in the South line of Robin Hood Road; thence along the South line of Robin Hood Road South 81 degrees 35 minutes East 662.5 feet; thence continuing along the South line of Robin Hood Road the two following courses: South 76 degrees 50 minutes East 564 feet and South 74 degrees 10 minutes East 448 feet to an iron stake the northwest corner of lot No. 1 Shaffner Estate; thence North 1 degree 20 minutes West crossing Robin Hood Road 211.6 feet to an iron stake, said iron stake being in where the South line of Glendale Avenue (Englewood Development) extended westwardly intersects the West line of lots 1 through 7, said Shaffner Estate extended northwardly; thence along the extended South line of Glendale Avenue North 78 degrees 11 minutes East 240 feet more or less to the center of Woodmere Place, map of Merrimont, recorded in Plat Book 16, page 183, office of the Register of Deeds, Forsyth County, North Carolina, thence along the center line of Woodmere Place North 28 degrees East 190 feet more or less to a point said point being where the northwesterly line of lot No. 1, block 3 extended southwestwardly would intersect the center line of Woodmere Place; thence North 62 degrees East falling in with the line of lot 1, block 3, 176.92 feet to the division corner between lots 1 and 22 of Merrimont Development; thence along the rear line of lots 22, 21, 20, 19, 18, 17 and 16, block 3 of Merrimont Development the following 6 courses: North 25 degrees 29 minutes East 123.2 feet, North 33 degrees 50 minutes East 132.87 feet, North 23 degrees 50 minutes East 109.16 feet North 12 degrees 02 minutes East 94.66 feet, North 14 degrees 45 minutes East 120.8 feet and North 3 degrees 20 minutes East 250 feet to the northwest corner of said lot 16; thence along the North line of lot 16, crossing Kinleigh Road and falling in with the North line of lot 12, block 1, South 86 degrees 40 minutes East 387.1 feet to the northeast corner of lot 12 in the West line of Englewood Development; thence along the West line of Englewood Development and being also the East line of lots 12, 11, 10, 9, 8 and part of 6 of the Merrimont Development South 3 degrees 19 minutes West 930 feet more or less to a point in the South line of Glendale Avenue the northwest corner of lot No. 9, block C, map of Englewood Development; thence along the South line of Glendale Avenue crossing Englewood Drive North 87 degrees 11 minutes East 850 feet more or less to the southwest intersection of Glendale Avenue and Buena Vista Road, thence crossing Buena Vista Road and continuing with the South line of said Glendale Avenue North 66 degrees 37 minutes East 389.9 feet to an iron stake the northeast corner of lot 21, block A, Englewood Development, said iron stake being 420 feet northwardly from the North line of Brookstown Road, now Robin Hood Road; thence North 78 degrees 52 minutes East 1354.2 feet to an iron stake the southwest corner of lot 7, block A, Ferrell Place Development, said iron stake being 150 feet West of Kearns Avenue and 224 feet North of Robin Hood Road; thence along the rear line of the lots on the West side of Kearns Avenue and crossing Wake Avenue North 1 degree 18 minutes West 1712.0 feet to an iron stake, said iron stake being 3.0 feet South from the northwest corner of lot 23, block D, Section

2, Ferrell Place Development, thence continuing with the rear line of the lots on the West side of Kearns Avenue North 00 degrees 25 minutes East 166.9 feet to an iron stake the northwest corner of lot 29, block D, said Ferrell Development, thence with the North line of lot 29, block D, and falling in with the North lines of Brook Road and lot 28, block F, of said Ferrell Development South 88 degrees 57 minutes East 706.5 feet to an iron stake the northeast corner of lot 28, block F, said Ferrell Place Section 2, said iron stake being 181 feet East from the East line of Vernon Avenue as shown on map of said Ferrell Place Development; thence along a line that is 181 feet East and parallel to the East line of said Vernon Avenue South 1 degree 18 minutes East 1116.5 feet to an iron stake, said iron stake being approximately 39 feet East of and 15 feet South of the northeast corner of lot 35, block C, Ferrell Place Development; thence across the Bowman Gray Estate property, now "Graylyn"; South 89 degrees 17 minutes East 1260.7 feet to an iron stake set in concrete, said iron stake being 935 feet westwardly from an iron stake on the East side of Reynolda Road and 810.5 feet northwardly from an iron stake on the South side of Robin Hood Road; thence crossing Reynolda Road South 74 degrees 20 minutes East 6817.5 feet to an iron stake; thence crossing North Cherry Street and falling in with the North line of a 20-foot alley along the North side of Snipes' Shultz Farm property South 88 degrees 15 minutes East 4254.6 feet to an iron stake just South of West 27th Street, thence North 1 degree 55 minutes East crossing 27th Street and falling in with the East line of Greenway Avenue 1928.7 feet to the northeast corner of 30th Street and Greenway Avenue; thence crossing Greenway Avenue and falling in with the North line of 30th Street westwardly 100 feet to the place of beginning, containing 19,433 square miles more or less.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1239 CHAPTER 1164

AN ACT AMENDING H. B. NO. 546, RATIFIED ON MAY 3RD, 1955, SO AS TO REMOVE THE COUNTY OF ALAMANCE FROM THE PROVISIONS OF SAID ACT.

The General Assembly of North Carolina do enact:

Section 1. That H. B. No. 546, ratified on May 3rd 1955, be and the same is hereby amended by adding at the end of Section 1 thereof the following:

"Provided that this Act shall not apply to the County of Alamance."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1243 CHAPTER 1165

AN ACT TO AUTHORIZE COLAS EDWARDS TO FILE HIS CLAIM WITH THE NORTH CAROLINA INDUSTRIAL COMMISSION AND HAVE SAME HEARD UNDER THE STATE TORT CLAIMS ACT BECAUSE OF INJURIES RECEIVED BY HIM WHILE CLEANING A FLOOR AT THE PRISON BARRACKS.

WHEREAS, Colas Edwards, on February 22, 1951, was a prisoner in a prison camp, or barracks, and while engaged in carrying out the orders of the administrative authorities was engaged in the scrubbing of the floor at the prison barracks, and, as ordered, was using gasoline for cleaning purposes; and

WHEREAS, while the said Colas Edwards was engaged in scrubbing the floor another individual was engaged in some work in which is was necessary to use an acetylene torch, and as a result the fumes of gasoline generated from the gasoline became ignited and burst into flames which almost enveloped the said Colas Edwards and burned his hands, both legs all the way around same, and from his hips to a point just below the scopulae; his burns being rated as third-degree burns, and as a result on July 10, 1952, his middle and little finger on his right hand were amputated; the burns sustained by this person being so intense that the outer layers of skin were charred and third-degree burns were sustained over his hands and forearms, all of which is shown by the report of the Roanoke-Chowan Hospital, of Ahoskie, North Carolina, and by the clinical record and report of the Veterans' Hospital at Fayetteville, North Carolina: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the said Colas Edwards be, and is hereby, allowed to prosecute a claim against the State and the appropriate agency for and on account of the burns and injuries received by him, which said claim should be filed with the North Carolina Industrial Commission and prosecuted under the State Tort Claims Act, which is Article 31 of Chapter 143, Volume 3B of the General Statutes, and the said North Carolina Industrial Commission should proceed to hear said claim according to the provisions of the State Tort Claims Act and shall pass upon and determine what amount of compensation, if any, the said Colas Edwards will be entitled to receive and without any consideration of any time limitation as set forth in G. S. 143-299.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1255 CHAPTER 1166

AN ACT RELATING TO SETTING FEES TO BE CHARGED BY THE REGISTER OF DEEDS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The County Board of Commissioners of Wake County is hereby authorized and empowered to set the amounts of all fees to be charged by the Register of Deeds for work performed by his office.

Sec. 2. Present fees shall remain in full force and effect until such time as the County Board of Commissioners determines a new fee schedule.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1296 CHAPTER 1167

AN ACT TO VALIDATE A RECENT ELECTION HELD IN THE TOWN OF GRAHAM UPON THE QUESTION OF THE ADOPTION OF A MODIFIED PLAN "D" FORM OF GOVERNMENT FOR SAID TOWN.

WHEREAS, under authority of House Bill No. 675, ratified the 31st day of March, 1955, an election was held in the Town of Graham, on the 3rd day of May, 1955, upon the question of the adoption of a modified Plan "D" form of government for said town, and

WHEREAS, at said election, conducted by the Alamance County Board of Elections upon the request of the governing body of the Town of Graham and in accordance with the provisions and authorization of said H. B. 675, a majority of the votes cast favored the adoption of the modified Plan "D" form of municipal government, and the results of said election were so certified by the Alamance County Board of Elections; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All acts of the governing body of the Town of Graham in requesting the Alamance County Board of Elections to call an election upon the question of the adoption of a modified Plan "D" form of government for said town, and all acts of the County Board of Elections of Alamance County in calling, conducting, canvassing and certifying the returns of said election held on the 3rd of May, 1955, are hereby in all respects confirmed, ratified and validated.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1297 CHAPTER 1168

AN ACT AMENDING G. S. 2-24 SO AS TO ALLOW THE BOARD OF COMMISSIONERS OF WAKE COUNTY TO FIX THE OFFICE HOURS AND WORKDAYS OF THE CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 2-24, as the same appears in Volume 1B of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Provided, further, the office of the Clerk of the Superior Court of Wake County may observe such workdays, office hours, and holidays as may be authorized and prescribed by the board of commissioners of said county. When the last day for filing any paper in the office of said clerk falls upon a day when said office is not open, said paper may be filed on the next day on which said office is open for the transaction of business."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1300 CHAPTER 1169

AN ACT TO AMEND SECTION 28 OF ARTICLE II OF THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR COMPENSATION AND SUBSISTENCE OF THE MEMBERS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. The Constitution of the State of North Carolina is hereby amended by striking out Section 28 of Article II and by rewriting and inserting in lieu thereof the following:

"Sec. 28. Pay of Members and Presiding Officers of the General Assembly.—The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of fifteen dollars ($15.00) per day for each day of their Session for a period not exceeding 120 days. The compensation of the Presiding Officers of the two houses shall be twenty dollars ($20.00) per day for a period not exceeding 120 days. Should an Extra Session of the General

Assembly be called, the members and Presiding Officers shall receive a like rate of compensation for a period not exceeding 25 days. The members and Presiding Officers shall also receive, while engaged in legislative duties, such subsistence and travel allowance as shall be established by law; provided, such allowances shall not exceed those established for members of State boards and commissions generally."

Sec. 2. Section 1 of this Act shall be submitted at the next general election to the qualified voters of the State in the same way and manner and under the same rules and regulations governing general elections in this State.

Sec. 3. In such election the electors favoring the amendment in Section 1 of this Act shall vote ballots on which shall be printed or written the words: "For amendment allowing limited necessary compensation of members of the General Assembly", and those opposed shall vote ballots on which shall be printed or written the words: "Against amendment allowing limited necessary compensation of members of the General Assembly".

Sec. 4. The election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of the votes cast be in favor of this amendment it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll said amendment so certified among the permanent records of his office, and the amendment so certified shall be in full force and every part thereof, from and after the date of such certification.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1309 CHAPTER 1170

AN ACT TO AUTHORIZE THE CITY OF KINSTON TO LEASE AND OPERATE OFF-STREET PARKING FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. The City of Kinston in the County of Lenoir shall have the right whenever it is found by its governing body, after due notice to and hearing of all interested parties, that the public convenience and necessity will be promoted thereby, to lease from property owners areas which are suitable for the parking of motor vehicles, for periods to be agreed upon by the city on the one hand and the property owner or owners on the other hand, the rental or rentals to be paid for such property to be a stipulated portion of the net returns from the parking charges or fees received from motorists making use of such parking facilities. Every such area shall have such location that parking thereon shall be within a

convenient distance from congested business or shopping areas, to the end that public convenience and necessity in the use of motor vehicles may be enhanced and promoted and traffic congestion eliminated or reduced.

Sec. 2. Said city shall have the right, when so stipulated in the lease agreement, to develop every such leased area or areas so as to make the same usable and suitable for parking under both dry and wet weather conditions. Such development may include the laying of gravel, asphalt, or other hard-surfacing materials, and for the purpose of such development and improvement the city and the owner or owners may stipulate that all the city's portion of the net proceeds to be derived from the operation of such off-street parking facilities, save and except only the operational costs, shall be used to pay such development costs.

Sec. 3. The city council of said city shall have authority to prescribe and promulgate reasonable rules and regulations governing all such off-street parking facilities and the parking periods to be observed, and to fix the fees and charges for the use thereof. Such rules and regulations shall be uniform in their application to motorists so that every motorist in the same class, if different classifications are provided for, shall fare the same.

Said city shall have the right, in the discretion of its city council, to procure and to install parking meters in any such facility when the purchase price thereof is paid or is to be paid solely from the proceeds received, or to be received, or in combination thereof, by said city as its share of the parking fees or charges; and such parking meters shall be and remain the sole property of said city.

Sec. 4. When parking meters are not used, the parking charge or fee may be determined by the use of a time clock which shall record the time when the motor vehicle was placed in the parking facility and the time of removal of such vehicle therefrom; and the regulations may provide that the operator of the vehicle shall have no right to remove it from the parking facility until the parking fee is paid. The regulations may further provide that the operator of a motor vehicle who has wilfully refused to pay the correct parking fee before the motor vehicle involved is removed from such parking facility, may thereafter be deprived of the privilege of using such facility unless he makes an advance deposit in an amount equal to the parking fees which would accrue on that date from the time such motor vehicle enters the parking facility until a subsequent hour certain on the same day.

In any parking facility where parking meters are used, the rules and regulations may provide that in case of over-parking a penalty of not to exceed one dollar ($1.00) may be imposed upon and collected from the motorist involved, and that the privileges of such parking facility shall thereafter be denied to such motorist until the penalty has been paid.

Sec. 5. All funds received by the City of Kinston as its net share of the proceeds from the operation of all such off-street parking facilities, after reimbursement to the city for any lawful advances which have been made by it, shall be credited to a fund to be known as "Off-Street Parking

Facilities Fund" and deposited in a special bank account under the same designation, and expended only for the acquisition of additional off-street parking facilities, the improvement and maintenance thereof, and the improvement of existing off-street parking facilities. Said city shall have the right to acquire additional off-street parking facilities by purchase in fee simple, the cost thereof to be paid from funds already on hand to the credit of said "Off-Street Parking Facilities Fund," or to be collected for the benefit of such fund, or a combination of both methods; and said city shall have the further right, in the discretion of its governing body, whenever it finds, after due notice and hearing, that public convenience and necessity so require, to acquire additional off-street parking facilities through outright purchase by making a down payment out of said fund and taking title thereto subject to a vendor's lien for the balance purchase price: Provided, however, that the security afforded by such vendor's lien shall be the sole security to the balance of the purchase price, and said city shall have no liability therefor beyond its equity of redemption in the real property so purchased, and such limitation of liability shall be so expressed in the city's muniment of title, but failure to incorporate such limitation therein shall not be construed as a waiver of such limitation.

Sec. 6. In addition to the other powers hereby conferred upon the City of Kinston, it shall have the right and is hereby authorized and empowered, whenever its governing body after due notice and hearing shall find and determine that public convenience and necessity so require, to appropriate out of surplus funds amounts sufficient for the purchase of off-street parking areas and for the development and equipment thereof for off-street parking purposes, or for the proper development and equipment of off-street parking areas acquired through lease as hereinbefore authorized: Provided, however, that no appropriation may be made for any such purpose or any such development out of any funds which have been raised by taxation, or already designated or appropriated by law or ordinance to any other use.

Sec. 7. This Act shall be deemed an amendment to the Charter of the City of Kinston, and the powers and authority hereby conferred shall be in addition to all other powers and authority already conferred upon the City of Kinston under its charter, or by any special Act, or by Chapter 160 of the General Statutes.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1310 **CHAPTER 1171**

AN ACT ADDING STOKES TO THE LIST OF COUNTIES TO WHICH THE PROVISIONS OF CHAPTER 984, SESSION LAWS OF 1953, AUTHORIZING THE EMPLOYMENT OF A PLUMBING INSPECTOR IN UNINCORPORATED ARES, ARE APPLICABLE.

The General Assembly of North Carolina do enact:

Section 1. That Section 2 of Chapter 984, Session Laws of 1953, which adds a new Section numbered "G. S. 160-122.1" of Article 11, Chapter 160, of the General Statutes, be and the same is hereby amended by inserting the word "Stokes" between the words "Pamlico" and "Counties" in the second line thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1332 **CHAPTER 1172**

AN ACT TO AMEND CHAPTER 272 OF THE PUBLIC-LOCAL LAWS OF 1929 RELATING TO A PEACE OFFICERS RELIEF FUND FOR THE CITY OF WINSTON-SALEM AND THE COUNTY OF FORSYTH.

The General Assembly of North Carolina do enact:

Section 1. Chapter 272 of the Public-Local Laws of 1929 as amended is hereby further amended by inserting the following at the end of Section 5:

"The Executive Board shall have authority to insure the members of the Winston-Salem and Forsyth County Peace Officers Protective Association against death or disability, or both, during the term of their employment under form of insurance known as group or other insurance, and the premiums on such insurance shall be payable out of the funds of the association or pro rata share by employee."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1386 CHAPTER 1173

AN ACT RELATING TO PUBLICATION OF THE SALARIES OF NON-ELECTIVE OFFICERS OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of the Superior Court of Richmond County is required to publish the names and the amounts of salaries paid to all non-elective officers of said county on the first Monday in January and July of each year in a newspaper having general circulation in Richmond County. The Clerk of the Superior Court is also required to post a copy of said publication on the bulletin board in the courthouse at the same times required by this Act for the publication of such information in a newspaper.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1387 CHAPTER 1174

AN ACT RELATIVE TO THE APPOINTMENT OF DEPUTY SHERIFFS OF RICHMOND COUNTY AND TO THE COMPENSATION OF CERTAIN OTHER COUNTY OFFICIALS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Richmond County is authorized to appoint not less than five deputy sheriffs whose salaries shall be fixed by agreement between the sheriff and the board of county commissioners of said county. The salary of each deputy sheriff so appointed shall be in an amount of not less than two hundred and fifty dollars ($250.00) nor more than three hundred dollars ($300.00) per month, to be paid out of the General Fund of Richmond County. All deputies appointed under authority of this Act shall receive travel allowance of not less than six cents (6c) per mile for travel on official business.

Sec. 2. The Sheriff of Richmond County, in addition to all other compensation now allowed him by law, shall receive all civil fees collected by him or his deputies by virtue of their respective offices.

Sec. 3. Section 1 of Chapter 861 of the Session Laws of 1953 is amended by adding at the end thereof the following:

"The salary fixed in this Section for the Clerk of the Superior Court shall be in full compensation for duties performed by him as Clerk of the Richmond County Special Court. In addition to the salary fixed in this Section, the Clerk of the Superior Court of Richmond County shall receive an annual salary of six hundred dollars ($600.00) as compensation for his services as Judge of the Richmond County Juvenile Court."

Sec. 4. The Sheriff of Richmond County is authorized to appoint one

clerical assistant in his office, whose salary shall be fixed by the board of county commissioners of said county in an amount of not less than one hundred and seventy-five dollars ($175.00) per month.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1388 CHAPTER 1175

AN ACT TO REPEAL CHAPTER 297 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1931 AND CHAPTER 776 OF THE SESSION LAWS OF 1949 AND TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE COUNTY COMMISSIONERS FOR RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 297 of the Public-Local and Private Laws of 1931 and Chapter 776 of the Session Laws of 1949 are hereby repealed.

Sec. 2. For the purpose of nominating and electing the Commissioners for Richmond County, the townships of said county shall be divided into five districts as follows:

(a) Steeles Township Number One, Steeles Township Number Two and Black Jack Township shall constitute the First District.

(b) Mineral Springs and Beaver Dam Townships shall constitute the Second District.

(c) Rockingham Township shall constitute the Third District.

(d) Wolf Pit Township shall constitute the Fourth District.

(e) Marks Creek Township shall constitute the Fifth District.

Sec. 3. One county commissioner shall be nominated and elected from each of the aforesaid districts by the qualified voters at large of said county at the time and in the manner provided by law.

Sec. 4. At the general election to be held in 1956, the county commissioners elected from the Third and Fourth Districts shall serve for terms of four years each and until their successors are elected and qualified. At said election, the commissioners elected from the First, Second and Fifth Districts shall serve for terms of two years each and until their successors are elected and qualified. Thereafter, as the terms of office of the commissioners expire, their successors shall be elected and shall serve for terms of four years each and until their successors are elected and qualified.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. B. 1389 **CHAPTER 1176**

AN ACT RELATING TO THE HOSPITALIZATION OF INDIGENT PATIENTS IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All indigent patients of Richmond County hospitalized by the Welfare Department and whose expenses are paid by the board of commissioners of said county shall have the privilege of being admitted to any hospital of their choice which is located in Richmond County. The per diem expenses allowed and paid by the board of county commissioners shall be in an amount of not less than seven dollars ($7.00) per day for each indigent patient admitted and shall be the same for each patient regardless of the hospital to which such patients are admitted.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. B. 347 **CHAPTER 1177**

AN ACT TO AMEND PART 7 OF CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PERMIT THE ASSESSMENT OF THE COST OF INSTALLING WATER WORKS SYSTEMS AS WELL AS SEWERAGE SYSTEMS AGAINST ABUTTING PROPERTY OWNERS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 160-241 be amended by inserting after the word "sewerage" in lines 2, 7 and 9 the words "or waterworks" and by striking out the word "five" in line 13 and inserting in lieu thereof the word "ten".

Sec. 2. That G. S. 160-242 be amended by inserting after the word "sewerage" in line 2 thereof the words "or waterworks".

Sec. 3. That G. S. 160-255 be amended by adding a new sentence at the end thereof as follows: "Assessment for waterworks construction or extension may be made as provided in Part 7, Article 18, of Chapter 160 of the General Statutes of North Carolina.

Sec. 4. That all laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

S. B. 530 **CHAPTER 1178**

AN ACT TO AMEND THE CHARTER AND EXTEND THE CORPORATE LIMITS OF THE CITY OF LENOIR, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Section 33 of Chapter 37, Private Laws of 1909, as amended, is rewritten to read as follows:

"Sec. 33. The corporate boundary lines of the City of Lenoir, North Carolina, are hereby changed and re-established as follows:

"BEGINNING on a concrete marker, located in the old Lenoir Graded School District line, opposite the antique store of Mrs. J. C. Russell, and on the North side of State Highway No. 18, one mile North 89 degrees 25 minutes East of the monument in the public square in the City of Lenoir, and runs with the old graded school district line South 0 degrees 35 minutes East, one mile to a concrete marker, 8 feet North of a branch, and 10 feet East of a branch, the old graded school district southeast corner; thence South 89 degrees 25 minutes West with the old school district line 2 miles to a stake, the old southwest corner of the Lenoir Graded School District; thence a new line South 0 degrees 35 minutes East 300 feet to a stake, the southeast corner of the 1953 addition to the school district; thence North 89 degrees 25 minutes West with said line 1312.2 feet to a stake, the southwest corner of the 1953 addition; thence with said line North 0 degrees 35 minutes West 873.2 feet to a concrete marker 38 feet from the center line of State Highway No. 18; thence with said Highway No. 18, 1200 feet to a stake about 100 feet West of the Highway Bridge over Spainhour Creek; thence a line parallel with the West margin of Highway No. 18 by-pass, and 200 feet distant therefrom, about 3100 feet to a stake in the old school district line; thence with said old line, North 0 degrees 35 minutes West 750 feet to a concrete marker in said district line, which marker is North 0 degrees 35 minutes West one mile from the southwest corner of the old school district, and South 89 degrees 25 minutes West one mile from the monument in the public square in the City of Lenoir; thence a new line with the 1953 school district South 89 degrees 25 minutes West 1500 feet to a concrete marker, the southwest corner of the 1953 district addition; thence with said line North 0 degrees 35 minutes West 1500 feet to a concrete marker, the northwest corner of the 1953 addition; thence with said line North 89 degrees 25 minutes East 1500 feet to a concrete marker in the old school district line, the northeast corner of the 1953 addition to the district; then with the old line North 0 degrees 35 minutes West 3780 feet to a concrete marker, the northwest corner of the old school district; thence North 89 degrees 25 minutes East with the old district line 2 miles to a concrete marker, the northeast corner of the old school district; thence with the old district line South 0 degrees 35 minutes East one mile to the point of beginning, the said boundary lines embracing all of the present Lenoir Administrative School District."

Sec. 2. This Act shall not become effective unless approved by a resolution of the governing board of the City of Lenoir duly adopted for this

purpose, and upon the adoption of a resolution approving the same, the city limits of the City of Lenoir shall be described in Section 1 of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

S. B. 532 CHAPTER 1179

AN ACT AUTHORIZING THE CITY OF ASHEVILLE AND THE SANITARY DISTRICTS OF BUNCOMBE COUNTY TO ESTABLISH AND MAINTAIN A CAPITAL RESERVE FUND FOR SEWAGE DISPOSAL FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. The districts in the County of Buncombe designated and known as Beaverdam Water and Sewer District, Busbee Sanitary Sewer District, Caney Valley Sanitary Sewer District, Crescent Hill Sanitary Sewer District, East Biltmore Sanitary Sewer District, Fairview Sanitary Sewer District, Hazel Ward Water and Watershed District, Skyland Sanitary Sewer District, South Buncombe Water and Watershed District, Swannanoa Water and Sewer District and Venable Sanitary District (hereinafter collectively called "the district"), through the board of commissioners of said county, and the City of Asheville (hereinafter called "the City") are hereby authorized to join in the establishment of, and to establish and maintain, as hereinafter provided, a capital reserve fund to be used and expended for the purpose herein specified.

Sec. 2. The purpose of the capital reserve fund shall be for financing all or a part of the cost of constructing or reconstructing a plant or plants, system or systems or works used or useful in connection with the collection, treatment, and disposal of sewage and other waste, including lands, easements, rights in land and equipment necessary therefor, which shall be determined by the governing body of the City and the Board of Commissioners of the County of Buncombe, respectively, to be mutually beneficial to the City and the districts.

Sec. 3. The City and the districts, within their respective jurisdictions, are hereby authorized to fix a schedule of rates, fees and charges for the use of and for the services and facilities furnished or to be furnished by their sewage disposal systems, and to collect the same for the capital reserve fund, to be paid by the owner, tenant or occupant of each lot or parcel of land which may be connected with or use such systems, and to revise such schedules. Such rates, fees and charges shall be just and equitable, and may be based or computed either upon the quantity of water used or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors. Charges for services to premises, including services to manufactur-

ing and industrial plants, obtaining all or a part of their water supply from sources other than the water systems of the City or the districts may be determined by gauging or metering or in any other manner approved by the City or the districts. In cases where the discharge of the sewage from any manufacturing or industrial plant, building or premises is such that it imposes unreasonable burden upon any sewer system, an additional charge may be made therefor, or the City or the districts may, if they deem it advisable, compel such manufacturing or industrial plant, building or premises to treat such sewage in such manner as shall be specified by the City or the districts before discharging such sewage into any sewer lines owned or maintained by the City or districts.

In order to further carry out the intent and purpose of this Act, the powers conferred upon and granted to municipal corporations in Section 160-249, 160-250, 160-252 and 160-253 of the General Statutes of North Carolina are hereby conferred upon and granted to the City of Asheville and the districts.

Sec. 4. The governing body of the City may, on behalf of the City, pass an ordinance establishing the capital reserve fund, and the Board of Commissioners of the County of Buncombe may, on behalf of the districts, pass an order establishing said fund. Such ordinance and order shall contain (a) a statement that the capital reserve fund is thereby established pursuant to the provisions of this Act, (b) a description, in brief and general terms, of the purpose for which said fund is established, (c) a schedule of rates, fees and charges, fixed in accordance with Section three of this Act, which shall be collected for said fund, and (d) a statement that the ordinance or order shall take effect 30 days after the first publication thereof.

Upon passage of said ordinance or order the same shall be published once in each of two successive weeks in a newspaper published in the City and having largest or next largest circulation. A notice in substantially the following form (the blanks being first properly filled in and appropriate changes made for its adaptability to the City or county) with the printed signature of the clerk appended thereto, shall be published with the ordinance and order:

The foregoing ordinance (order) was passed on the.....day of ....., 19....., and was first published on the..... day of....., 19..... Any action or proceeding questioning the validity of said ordinance (order) must be commenced within thirty days after its first publication.

.....

City Clerk.

Clerk, Board of County Commissioners.

Sec. 5. Any action or proceeding in any court to set aside an ordinance or order establishing the capital reserve fund, or to obtain any other relief upon the ground that such ordinance or order is invalid, must be commenced within 30 days after the first publication of the notice aforesaid and such ordinance or order or supposed ordinance or order referred to in the notice. After the expiration of such period of limitation, no right

of action or defense founded upon the invalidity of the ordinance or order shall be asserted, nor shall the validity of the ordinance or order be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period.

Sec. 6. When both the ordinance and order establishing the capital reserve fund have taken effect in accordance with their terms, the governing body of the City may pass a supplemental ordinance and the Board of Commissioners of the County of Buncombe may pass a supplemental order declaring the date upon which the schedule of rates, fees and charges fixed in the ordinance and order shall become effective, which date shall be the same in both the supplemental ordinance and supplemental order. After such schedule has become effective, the same may be amended, revised or modified by ordinance of the governing body of the City, in the case of schedule for the City, or by order of the Board of Commissioners of the County of Buncombe, in the case of schedule for the districts: Provided, no schedule shall be so amended, revised or modified without concurrence therein by both said governing body and said board of commissioners.

Sec. 7. The collection of rates, fees and charges, after deducting a reasonable amount for expense of collection, shall be turned over to the Sinking Fund Commission for Buncombe County not later than the tenth day of each month, and said commission shall have full custody of and shall be responsible for the supervision and management of the capital reserve fund until the same shall be withdrawn as hereinafter provided. Expenses of such supervision and management shall be jointly agreed upon by said commission, the board of county commissioners and the governing body of the City.

Pending such withdrawal, said commission may invest or reinvest all or any part of the capital reserve fund in United States Treasury certificates of indebtedness, notes, bonds or bills, or in the obligations of any agency or instrumentality of the United States Government if the payment of principal and interest of such obligations is guaranteed by the United States of America, or in bonds or notes of the State of North Carolina, or in shares of any building and loan association organized and licensed under the laws of this State, or in shares of any Federal savings and loan association organized under the laws of the United States, with its principal office in this State: Provided, the reserve fund shall not be invested in shares of a building and loan association organized under the laws of this State unless and until authorized by the Insurance Commissioner, or in shares of a Federal savings and loan association unless and until authorized by an officer of the Federal Home Loan Bank at Winston-Salem: Provided, further, such investment in shares of a building and loan association or in shares of a Federal savings and loan association shall be limited to the amount insured in the Federal Savings and Loan Insurance Corporation. The interest and revenues received upon securities held for investment of the reserve fund and any profit made upon the resale thereof shall become and be a part of the reserve fund.

Sec. 8. Withdrawals from the capital reserve fund shall be authorized

by ordinance passed by the governing body of the City and by order passed by the Board of Commissioners of the County of Buncombe. Withdrawals may be authorized at any time, or from time to time, for all or any part of said capital reserve fund and shall be for the purpose for which said capital reserve fund is established, or to supplement other funds available for such purpose. The contents of such ordinance and order shall be identical with respect to amount and purpose of the withdrawal authorized thereby. Each such ordinance and order shall state the amount of the withdrawal, shall contain a description, in brief and general terms, of the purpose thereof, shall contain a statement thereby declaring and determining that such withdrawal, and the expenditure thereof for such purpose, shall be mutually beneficial to the City and the districts and for a necessary expense within the meaning of the Constitution of North Carolina, and shall contain a provision that the same shall take effect 30 days after its first publication.

Each ordinance and order authorizing withdrawal from the capital reserve fund shall be published in the same manner and with the same form of notice required in Section four of this Act in publication of the ordinance and order establishing the capital reserve fund. The provisions of Section five of this Act with respect to limitation of action to set aside an ordinance and order establishing the capital reserve fund shall apply to each ordinance and order authorizing withdrawal from said capital reserve fund.

Sec. 9. Woodfin Sanitary Sewer and Water District in the County of Buncombe is hereby authorized to establish and to maintain a capital reserve fund for the purpose stated in Section two of this Act, and all of the provisions of the foregoing and following Sections of this Act, except Section one, and the powers granted therein shall apply and shall be granted to said Woodfin Sanitary Sewer and Water District to the same extent as they apply and are granted to the City and to the districts referred to in Section one: Provided, in applying such provisions to said district, (a) reference to the words "ordinance" or "order" shall be construed to mean and shall be read as resolution adopted by the trustees of said district and reference to the governing body of the City and to the Board of Commissioners of Buncombe County shall be construed to mean and shall be read as trustees of said district, (b) the determination with respect to purpose as set forth in Section two shall be by said trustees that such capital reserve fund be beneficial to said district, (c) a newspaper published in the City of Asheville shall be deemed to be a newspaper published in Buncombe County and having general circulation in said district, and the notice published with the resolution shall be with the printed signature of the secretary or clerk of said trustees, and (e), unless said trustees find that a withdrawal and the expenditure thereof from said capital reserve fund for financing the cost of a purpose jointly with the City and the districts and the governing body of the City and the Board of Commissioners of Buncombe County concur in such finding, each resolution authorizing the withdrawal from said capital reserve fund shall contain, with respect to benefit, that such withdrawal is thereby declared

and determined to be beneficial for said district and for a necessary expense within the meaning of the Constitution of North Carolina.

Sec. 10. The powers granted by this Act shall be in addition to and not in substitution for the powers granted under any other law.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

S. B. 549 CHAPTER 1180

AN ACT TO AMEND THE CHARTER OF THE BOARD OF LIGHT AND WATER COMMISSIONERS OF THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Section 1. Chapter 71 of the Private Laws of 1905, as amended by Chapter 265 of the Private Laws of 1935, is hereby amended by adding the following at the end of Section 6(a):

"Sec. 6(b) The Board of Light and Water Commissioners of the City of Concord is hereby authorized and empowered:

(1) To acquire, construct, extend, enlarge, improve and operate a sewage disposal system and, in its discretion, either within or without or partly within and partly without the corporate limits of the City of Concord.

(2) To fix and collect rates, fees and charges for the use of and for the services and facilities furnished or to be furnished by the sewage disposal system, to be paid by the owner, tenant, or occupant of each lot or parcel of land which may be connected with or use said sewage system and to revise such schedule of rates, fees and charges from time to time; to collect charges for making connections with said sewage disposal system; and to fix a different schedule of rates for said service and sewer connections when rendered or made outside of the corporate limits of the City of Concord, but said Board of Light and Water Commissioners of the City of Concord shall in no case be compelled to furnish sewage service or sewer connections outside of the corporate limits of the City of Concord, or be liable for damages for failure to furnish sewage service or sewer connections.

"Such rates, fees and charges are to be just and equitable and may be based or computed either upon the quantity of water used or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system or upon the number or average number of persons residing or working in or otherwise connected with such premises or upon the type or character of such premises or upon the type or character of waste or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors.

"Charges for services to premises, including services to manufacturing and industrial plants, obtaining all or a part of their water supply from sources other than the water system of the Board of Light and

Water Commissioners of the City of Concord may be determined by gauging or metering or in any other manner approved by the Board of Light and Water Commissioners of the City of Concord.

"In cases where the character of the sewage from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon the sewer system, an additional charge may be made therefor, or the Board of Light and Water Commissioners of the City of Concord may, if it deems it advisable, contract with such manufacturing or industrial plant or owner or tenant of such building or premises to treat such sewage in such manner as shall be specified by the Board of Light and Water Commissioners of the City of Concord before discharging such sewage into any sewer lines owned or maintained by the Board of Light and Water Commissioners of the City of Concord.

(3) To acquire in the name of the Board of Light and Water Commissioners of the City of Concord, either by purchase or by the exercise of the right of eminent domain in the manner provided in Chapter 40, Article 2 of the General Statutes of North Carolina entitled "Eminent Domain", such land and rights and interests therein as it may deem necessary in connection with the construction, extension, enlargement, improvement or operation of the sewage disposal system both within and without the corporate limits of the City of Concord.

(4) Enter into contracts with the Government of the United States or any agency or instrumentality thereof, or with any other municipality, sanitary district, private corporation, co-partnership, association or individual providing for or relating to the treatment or disposal of sewage.

(5) To provide for the method and time for the payment of said charges for said sewer connections and sewage services, and to discontinue furnishing water to the premises if said charges are not paid in the manner or at the time specified for the payment of same by the Board of Light and Water Commissioners of the City of Concord; and to fix a penalty for the non-payment of the same when due.

"In no case shall the charges, rents and penalties be a lien upon the property served and in cases where the services are rendered to a tenant and the tenant removes from the premises, the said Board of Light and Water Commissioners of the City of Concord shall not charge against the owner thereof the service charge or penalties for said service.

"6(c) The Board of Light and Water Commissioners of the City of Concord shall at such times as may be fixed and determined by the Board of Aldermen of the City of Concord, pay to the Treasurer of the City of Concord the proceeds collected from the rates, fees and charges for the said sewer connections and for the said services and facilities furnished in connection with the operation of said sewage system, after first deducting all expenses for operating, managing, maintaining and repairing the sewage disposal system, for the purpose of paying principal and interest on bonds heretofore or hereafter issued by the City of Concord for the construction, extension, enlargement and improvement of a sewage disposal system."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

S. B. 560 CHAPTER 1181

AN ACT TO AUTHORIZE COUNTIES, CITIES AND TOWNS TO LEVY TAXES AND TO MAKE APPROPRIATIONS TO SUPPLEMENT AVAILABLE FEDERAL AND STATE FUNDS TO BE USED FOR THE CONSTRUCTION OF ARMORY FACILITIES FOR THE NORTH CAROLINA NATIONAL GUARD AND TO AUTHORIZE COUNTIES, CITIES AND TOWNS TO ISSUE AND SELL BONDS AND NOTES FOR SAID PURPOSE AND TO LEVY TAXES TO MEET PAYMENTS OF PRINCIPAL AND INTEREST ON SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Any city or town and any county in the State separately or jointly, may make appropriations to supplement available Federal or State funds to be used for the construction of armory facilities for the North Carolina National Guard. Appropriations made under authority of this Act shall be in such amounts and in such proportions as may be deemed adequate and necessary by the governing body of the county and/or municipality desiring to participate in the armory construction program.

Sec. 2. Counties and municipalities are hereby authorized to borrow money and issue and sell bonds and notes and to raise by taxation and otherwise, sufficient moneys to carry out the purpose of this Act. The principal and interest on such bonds and notes as may be issued may be paid from general or other available funds of the county or municipality concerned; and, if necessary, the governing boards may levy sufficient taxes to raise funds to meet appropriations and to meet payments of principal and interest on such bonds or notes which may be issued hereunder. Taxes may be levied by the governing body of any county or municipality of the State for the special purpose of this Act, for which special approval is hereby given. Counties may issue and sell such bonds or notes under the provisions of the County Finance Act, and municipalities may issue and sell such bonds or notes under the provisions of the Municipal Finance Act.

Sec. 3. Notwithstanding any constitutional limitation or limitation provided by any general or special law, taxes may be levied by the governing body of any county or municipality of the State for the special purposes of this Act for which special approval is hereby given; provided, that the levy of such taxes shall be approved by the vote of a majority of the qualified voters of such municipality who shall vote on the question of levying such taxes in an election held for such purpose. Such election as to counties may be held at the same time and in the same manner as

elections held under the provisions of Article 9 of Chapter 153 of the General Statutes, the same being designated as the County Finance Act. Such election as to municipalities may be held under the Municipal Finance Act, the same being Article 28 of Chapter 160 of the General Statutes.

Sec. 4. Notwithstanding any limitations provided by the Constitution or by any general or special law as to the amount of bonds or obligations that may be issued a county or municipality may issue and sell bonds or obligations in excess of such limitations for the purposes authorized by this Act; provided, that such amount in excess of such constitutional limitation is referred to and approved by a majority of the qualified voters of such county or municipality voting in an election upon such question.

Sec. 5. Notwithstanding any constitutional limitation or limitation provided by any general or special law, taxes may be levied by the governing body of a county or municipality for the purpose of financing the appropriations authorized in Sections 1 and 2 of this Act and the special approval of the General Assembly is hereby given for the levying of taxes for such purposes; provided, that the levy of such taxes shall be approved by the majority vote of the qualified voters of such county or municipality, who shall vote on the question of levying such taxes in an election held for such purpose. The rate or amount of such taxes for which a levy may be made hereunder shall be determined by the governing body of the municipality and a ballot shall be furnished to each qualified voter at said election, which ballot may contain the words "For Armory Construction Facility Tax", and "Against Armory Construction Facility Tax", with squares in front of each proposition, in one of which squares the voter may make a cross-mark (X). Any other form of ballot containing adequate information and properly stating the question to be voted upon shall be construed as being in compliance with this Section. Such elections as to counties may be held at the same time and in the same manner as elections held under Article 9, of Chapter 153, of the General Statutes, the same being designated as the County Finance Act. Such elections as to cities and towns may be held under the Municipal Finance Act, the same being Article 28, of Chapter 160, of the General Statutes. Such elections may be held at any time fixed by the governing body of the county or municipality concerned. The question of levying a tax for the purposes of this Act may be submitted at the same time the question of issuing bonds is submitted as provided in this Act or the question of a levy of taxes may be submitted in a separate election according to the discretion and judgment of the governing body of the county or municipality concerned.

Sec. 6. Nothing contained in this Act shall have the effect of repealing any of the provisions of Chapter 1010 of the Session Laws of 1947, and the power and authority herein granted are in addition to and not in substitution of existing power and authority of cities, counties and towns of this State as set forth in said Act.

Sec. 7. All other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

S. B. 571 CHAPTER 1182

AN ACT ENLARGING AND FIXING THE CORPORATE LIMITS OF THE TOWN OF SPINDALE.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the Town of Spindale in Rutherford County, North Carolina, be, and the same are hereby declared to be as follows:

"BEGINNING at a concrete marker situated on the South side of Federal Highway No. 74, in the outside line of the western boundary of the corporate limits of the Town of Spindale and runs thence North 27 degrees 1 minute East 1090.5 feet to a concrete marker; thence North 33 degrees 40 minutes East 4459.9 feet to a concrete marker; thence North 54 degrees East 995 feet to a concrete marker; thence North 75 degrees 10 minutes East 1575 feet to a concrete marker; thence South 16 degrees 4 minutes East 3509 feet to a concrete marker; thence South 9 degrees 41 minutes West 685 feet to a concrete marker; thence South 8 degrees 20 minutes East 1470 feet to a concrete marker; thence South 32 degrees East 3024 feet to a concrete marker; thence South 24 degrees 10 minutes East 600 feet to a concrete marker; thence South 4 degrees 50 minutes East 1180 feet to a concrete marker; thence South 47 degrees 55 minutes West 2112.8 feet to a concrete marker; thence North 88 degrees 10 minutes West 3210 feet to a concrete marker; thence North 46 degrees West 3805 feet to a concrete marker; thence North 61 degrees West 1979 feet to a concrete marker; thence to North 27 degrees East 2105 feet to the Beginning."

That the territory embraced and included within the boundaries hereinabove set forth shall be and constitute the Town of Spindale and the corporate limits of said town and that the boundaries and corporate limits of Spindale as heretofore existing are hereby declared to be changed and enlarged to conform to the boundaries hereinabove set forth, and the certificate of incorporation of the Town of Spindale which was issued August 21, 1923, pursuant to (Subchapter II, Municipal Government Act of 1917 as set forth in 160-192 of the General Statutes of North Carolina and subsequent Sections of said Chapter), be and the same is hereby changed and amended to conform to the provisions of this Act.

Sec. 3. That no tax shall be levied by the Town of Spindale against any property embraced within the new territory included within the boundaries hereinbefore set forth and which was not included within the corporate limits of said town before the passage of this Act until the regular tax levy of said town is made for the year 1957.

Sec. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

S. B. 578 CHAPTER 1183

AN ACT TO APPOINT A BOXING COMMISSION FOR WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Mayor of the City of Raleigh and the Chairman of the Board of County Commissioners of Wake County are hereby empowered and authorized to appoint a Boxing Commission for Wake County to consist of three citizens, who shall serve as follows: One, for a period of two years; one, for a period of four years; one, for a period of six years; said members of said commission to serve without compensation. Thereafter, as the terms of the commissioners expire, their successors shall be appointed for terms of six years each, and shall serve until their successors are appointed and qualified.

Sec. 2. That it shall be lawful to engage in, manage, or promote boxing exhibitions which do not exceed fifteen (15) rounds: Provided, said commission shall have full power and authority to make such rules and regulations and to limit the number of matches scheduled or allowed on any one card or bill, as in its discretion may be necessary for the proper regulation of such boxing exhibition, and shall have the power to prohibit or stop a match at any time, even after consent has been given for the holding of such boxing exhibition.

Sec. 2½. The Commission herein appointed shall have full power and authority to supervise and regulate all wrestling matches or exhibitions held in Wake County.

Sec. 3. That any person or persons who shall engage in, promote, aid or abet in promoting, managing, or engaging in such exhibitions without first having obtained the written consent of the said commission, and any person or persons violating any of the rules and regulations of the commission or who shall refuse to obey orders of said commission controlling a boxing match, shall be guilty of a misdemeanor, and shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than six months, in the discretion of the court.

Sec. 4. That all laws and clauses of laws in conflict with this Act be, and the same are hereby repealed.

Sec. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

S. B. 582 **CHAPTER 1184**

AN ACT TO EXEMPT FROM THE OPERATION OF THE WORKMEN'S COMPENSATION ACT THE MEMBERS OF ANY VOLUNTEER ORGANIZATION OF POLICEMEN OR FIREMEN OR ANY VOLUNTEER WORKER WHO IS A MEMBER OF A LOCAL ORGANIZATION FOR CIVIL DEFENSE UNDER THE SUPERVISION OR CONTROL OF THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 97-7 be amended by adding at the end thereof the following:

"Provided, however, that the provisions of this Chapter shall not apply to members of any volunteer organization of auxiliary policemen or firemen under the supervision or control of the City of Raleigh, nor to any volunteer worker who is a member of a local organization for civil defense under the supervision or control of the City of Raleigh."

Sec. 2. All laws and clauses of laws in conflict herewith are repealed.

Sec. 3. This Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 190 **CHAPTER 1185**

AN ACT TO AMEND ARTICLE 4 OF CHAPTER 114 OF THE GENERAL STATUTES, RELATING TO THE STATE BUREAU OF INVESTIGATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 114-13 is amended by adding a new paragraph at the end thereof to read as follows:

"All the benefits, duties, authority and requirements of subsections (b), (c), (d), and (e) of G. S. 20-185 applicable to members and officers of the State Highway Patrol, shall be applicable to officers and Special Agents of the State Bureau of Investigation whose salaries are fixed as provided by law, and wherever in said subsections any duty, responsibility or authority is vested in the Commanding Officer of the State Highway Patrol or the Commissioner of Motor Vehicles, such duty, responsibility, or authority is hereby vested in the Director of the State Bureau of Investigation. Wherever in said subsection any benefits, duties, authority, or requirements are vested in, placed on, or extended to officers and members of the State Highway Patrol, such benefits, duties, authority and requirements are vested in, placed on, and extended to officers and Special Agents of the State Bureau of Investigation."

Sec. 2. Article 4 of Chapter 114 of the General Statutes is amended by adding a new Section immediately following G. S. 114-14 to be designated as G. S. 114-14.1 and to read as follows:

"114-14.1. Transfer of Personnel—The Director of the State Bureau of Investigation shall have authority to transfer members of the Bureau from one locality in the State to another as he may deem necessary. When any

member of the State Bureau of Investigation is transferred from one point to another for the convenience of the State, or otherwise than upon the request of the employee, the Bureau shall be responsible for transporting the household goods, furniture, and personal effects of the employee and members of his household."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 201 CHAPTER 1186

AN ACT CREATING A STATE BOARD OF HIGHER EDUCATION AND PROVIDING FOR ITS MEMBERS, THEIR QUALIFICATIONS, SELECTION, APPOINTMENT, POWERS, DUTIES, AND FINANCING.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the North Carolina Board of Higher Education. The purpose of the Board shall be, through the exercise of the powers and performance of the duties set forth in this Act, to promote the development and operation of a sound, vigorous, progressive, and coordinated system of higher education in the State of North Carolina.

Sec. 2. Definitions—As used herein:

"Board" refers to the North Carolina Board of Higher Education.

"Higher Education" refers to all educational and instructional curricula and services beyond the twelfth grade or its equivalent.

"Institutions of Higher Education" and "such institutions" refer to all institutions of higher education now existing or hereafter established supported wholly or in part by direct appropriations of the North Carolina General Assembly.

Sec. 3. The Board shall consist of nine citizens of North Carolina, one of whom shall be a member of the State Board of Education but none of whom shall be officers or employees of the State nor officers, employees or trustees of such institutions. Members shall be appointed by the Governor for terms of eight years, except that of the first Board appointed, two members shall serve for two years, two shall serve for four years, and two shall serve for six years and three shall serve for eight years. Terms of all members of the first Board shall commence July 1, 1955.

All regular appointments, except appointments to the first Board, shall be subject to confirmation by the House of Representatives and the Senate in Joint Session assembled. The Governor shall forward all such appointments, except those of the first Board, to the General Assembly before the fortieth legislative day of each Regular Session. The Governor shall, without such confirmation, appoint members to fill vacancies for unexpired terms.

Appointees to the Board shall be selected for their interest in and

ability to contribute to the fulfilment of the purpose of the Board. All members of the Board shall be deemed members at large charged with the responsibility of serving the best interests of the whole State. No member shall act as the representative of any particular region or of any particular institution of higher education.

Sec. 4. The Board shall elect annually from among its members a chairman, vice-chairman, and a secretary.

Sec. 5. The Board shall have the following specific powers and duties, in the exercise and performance of which it shall be subject to the provisions of Article I, Chapter 143 of the General Statutes except as herein otherwise provided:

(a) The Board shall determine the major functions and activities of each of such institutions, all such functions and activities remaining as they now are until changed with the approval or by order of the Board. In discharging this duty, the Board shall consider the purpose for which an institution was established, the provisions of its charter, its existing functions and activities, the need for the function or activity in question in that particular institution, and the extent to which such need is already being met by other institutions. Further, the Board shall take into consideration the need to promote educational methods and standards for the training of persons for the teaching profession to the end that the entire field of public education will be best served.

(b) The Board shall determine the types of degrees which may be granted by each of such institutions.

(c) The Board shall inspect each such institution at least once biennially, and shall make or cause to be made such other inspections as it shall deem necessary.

(d) The Board shall prescribe uniform practices and policies to be followed by such institutions where it finds such uniformity will promote the purpose of the Board.

(e) The Board shall make plans for the development of a system of higher education and shall have the power to require such institutions to conform to such plans.

(f) The Board shall recommend to the Director of the Budget and the Advisory Budget Commission the biennial budget expenditures for each of such institutions.

Copies of the requests, statements, information, data, and estimates specified in G. S. 143-6 shall be furnished by such institutions to the Board as well as the Director of the Budget. The Board shall provide hearings on the budget requests for such institutions prior to the hearings before the Advisory Budget Commission provided in G. S. 143-10. The recommended budget expenditures transmitted to the Director of the Budget and the Advisory Budget Commission shall be accompanied by supporting data relied upon by the Board. Each such institution shall at the same time be sent a copy of the budget expenditures recommended for it by the Board. The Board shall be represented at all public hearings concerning the budgets of such institutions and shall present its findings and conclusions at the hearings before the Advisory Budget Commission as provided

in G. S. 143-10. Nothing herein shall preclude officers of such institutions from appearing at said public hearings and being heard as representatives of their respective institutions.

(g) The Board, in the event of a reduction of appropriations by the Director of the Budget in order to prevent an overdraft or deficit under the provisions of G. S. 143-25, shall, after consulting the officers of each institution for their recommendations, adopt a revised budget for each such institution. The total amount of the reduction for each institution shall be certified to the Board by the Director of the Budget. The revised budget shall be within the reduced appropriation for each such institution. Copies of the revised budgets shall be supplied to the Director of the Budget and such institutions.

(h) The Board shall have the power to make decisions concerning requests from each of such institutions for transfers and changes as between objects and items in the budget of the institution making the request, subject to the approval of the Director of the Budget as set forth in Section 6 of this Act. Copies of such requests and supporting data shall be furnished by such institutions to the Board as well as to the Director of the Budget. The Board shall promptly notify the Director of the Budget of decisions made under the authority of this subsection.

(i) The Board shall possess such powers as are necessary and proper for the exercise of the foregoing specific powers, including the power to make and enforce such rules and regulations as may be necessary for effectuating the provisions of this Act.

Sec. 6. In the exercise of the powers conferred on the Board, it is intended that its decisions on fiscal matters concerning such institutions shall be subject to the approval of the Director of the Budget, and its decisions of an educational nature shall be made by the Board within the limits of appropriated funds and fiscal availability.

Sec. 7. Before final action is taken by the Board in the exercise of powers conferred by subsections (a), (b), (d), and (e) of Section 5, the presidents and chancellors of such institutions to be affected, together with such other persons as they may desire, shall be granted an opportunity to be heard by the Board concerning the proposed action.

Sec. 8. All powers and functions of the State Board of Education concerning higher education and institutions of higher education, except for necessary collaboration with institutions of higher education in the training and certification of public school teachers and principals, shall be vested herewith in the North Carolina Board of Higher Education.

Sec. 9. The Board shall prepare and publish biennially a report to the Governor, the General Assembly, and such institutions setting forth the progress, needs, and recommendations of the Board.

Sec. 10. In order to effectuate the provisions of this Act, the Board shall be furnished suitable quarters in Raleigh, and shall, subject to the approval of the Governor, appoint and fix the salary of a full-time Director of Higher Education. The Director of Higher Education shall have training and experience in the field of higher education and shall be well qualified to serve as the Director of a State System of Higher Education

as contemplated by this Act. The Director of Higher Education shall be responsible to the Board and shall perform such duties and exercise such powers as shall be prescribed by the Board. The Board shall, within the limits of funds provided by law, appoint such other employees as shall be sufficient to carry out the provisions of this Act, such employees being subject to the provisions of Article 2, Chapter 143 of the General Statutes. Any institution aggrieved by any action or decision of the Director of Higher Education shall, upon request, be afforded an opportunity to be heard by the Board with respect thereto.

Sec. 11. Members of the Board shall receive no compensation for their services other than such per diem allowances and such allowance for travel expenses as shall be provided in each biennial Appropriation Act for such members.

Sec. 12. The necessary expenditures of the Board shall be provided for in a budget subject to the terms of Article 1, Chapter 143 of the General Statutes.

Sec. 13. No member or employee of the Board shall make any recommendation concerning the prospective employment of any person by any of such institutions.

Sec. 14. The various boards of trustees of the institutions of higher education shall continue to exercise such control over the institutions as is provided by law, subject only to the North Carolina Board of Higher Education within the limits of its jurisdiction as herein specified. It is not intended that the trustees of such institutions shall be divested of any powers or initiative now existing with reference to the internal affairs of such institutions, except to the extent that same are affected by the Board's exercise of the powers and performance of the duties specified in this Act.

Sec. 15. If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, subsection, Section, or part of this Act, such judgment or decree shall not affect, impair, invalidate, or nullify the remainder of this Act, but the effect thereof shall be confined to the clause, sentence, paragraph, subsection, Section, or part of this Act so adjudged to be invalid or unconstitutional.

Sec. 16. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 17. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 374 **CHAPTER 1187**

AN ACT TO AMEND AND CLARIFY THE UNIFORM DRIVER'S LICENSE ACT AND TO PROVIDE TECHNICAL CHANGES THEREIN.

The General Assembly of North Carolina do enact:

Section 1. Section 20-6 of the General Statutes is hereby amended by deleting therefrom the following paragraph as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes:

" 'Chauffeur' shall mean every person who is employed for the principal purpose of operating a passenger motor vehicle, except school busses, church or Sunday school busses, and every person who drives any motor vehicle while in use as a public or common carrier for persons or property, and this shall apply to city delivery motor vehicles.", and by inserting in lieu thereof the following paragraph:

" 'Chauffeur' shall mean every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives any motor vehicle when in use for the transportation of persons or property for compensation and the driver", other than the owner of a private hauler, of any property hauling vehicle or combination of vehicles licensed for more than 15,000 pounds gross weight and the driver of any passenger carrying vehicle of over nine (9) passenger capacity except the driver of a church, or a school bus who holds a valid operator's license.

Sec. 2. Subsection (e) of Section 20-7 of the General Statutes is hereby amended by inserting between the first and second sentences thereof the following new sentence:

"Such limitation or limitations shall be noted on the face of the license, and it shall be unlawful for the holder of a license so limited to operate a motor vehicle without complying with the limitations, and the operation of a motor vehicle without complying with the limitations by a person holding a license with such limitations shall be the equivalent of operating a motor vehicle without a chauffeur's or operator's license."

Sec. 3. (a) Subsection (f) of Section 20-7 of the General Statutes is hereby amended by deleting therefrom the proviso to said subsection as the same appears in the 1953 Cumulative Supplement of Volume 1C of the General Statutes and by inserting in lieu of said proviso the following:

"Provided, that any person serving in the Armed Forces of the United States on active duty and holding a valid operator's license properly issued under this Section and stationed outside of the State of North Carolina may renew his license by making application to the department by mail. In such cases, the department may waive the examination ordinarily required for the renewal of an operator's license, and may require in lieu thereof such statement as to the physical condition of the applicant and his ability to operate a motor vehicle safely as it may deem appropriate. Provided further, that the foregoing proviso shall not affect the validity of licenses extended under Chapter 1284 of the Session Laws of 1953, but that all such licenses continued in force by the provisions of Chapter 1284 of the Session Laws of 1953 shall expire on July 1, 1955."

(b) The provisions of this Section shall be effective from and after the ratification of this Act.

Sec. 4. Subsection (1) of Section 20-7 of the General Statutes is hereby amended by changing the comma immediately following the word "days" in the fifth line of said subsection to a period, and is further amended by deleting from the fifth and sixth lines of said subsection the words "during daylight hours".

Sec. 5. Section 20-7 of the General Statutes is hereby amended by inserting therein immediately following subsection (1) the following subsection, to be designated as subsection (1-1), and to read as follows:

"The department upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or a lesser period to an applicant who is enrolled in a driver training program approved by the department even though the applicant has not yet reached the legal age to be eligible for an operator's license. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to operate a motor vehicle subject to the restrictions imposed by the department. The restrictions which the department may impose on such permits include but are not limited to restrictions to designated areas and highways and restrictions prohibiting operation except when an approved instructor is occupying a seat beside the permittee."

Sec. 6. (a) Subsection (n) of Section 20-7 of the General Statutes is hereby amended by rewriting said subsection as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes to read as follows:

"The punishment for a first or second offense in violation of this Section shall be a fine of not less than twenty-five dollars ($25.00) or imprisonment of not less than thirty (30) days, or both such fine and imprisonment, in the discretion of the court. The punishment for a third or subsequent offense in violation of this Section shall be a fine of not less than fifty dollars ($50.00) or imprisonment for not less than thirty (30) days, or both such fine and imprisonment, in the discretion of the court. Provided, that no person shall be convicted of operating a motor vehicle without an operator's or chauffeur's license if he produces in court at the time of his trial upon such charge an expired operator's or chauffeur's license and a renewal operator's or chauffeur's license issued to him within thirty (30) days of the expiration date of the expired license and which would have been a defense to the charge had it been issued prior to the time of the alleged offense. Provided further, that when a person is convicted for a first offense in violation of this Section and has an operator's or chauffeur's license expired less than one year, which license would have been a defense to the charge had it not expired, the punishment shall be in the discretion of the court."

(b) Notwithstanding the provisions of subsection (a) of this Section, the provisions of subsection (n) of Section 20-7 of the General Statutes as the same were in force prior to the effective date of this Act shall continue to remain in full force and effect with respect to all offenses committed prior to the effective date of this Act.

Sec. 7. Subsection (f) of Section 20-9 of the General Statutes is hereby amended by rewriting said subsection to read as follows:

"The department shall not issue an operator's or chauffeur's license to any person whose license or driving privilege is in a state of suspension or revocation in any jurisdiction, if the acts or things upon which the suspension or revocation in such other jurisdiction was based would constitute lawful grounds for suspension or revocation in this State had those acts or things been done or committed in this State."

Sec. 8. Section 20-11 of the General Statutes as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes is hereby amended by adding to the end thereof the following sentence:

"It shall be unlawful for any person to sign the application of a minor under the provisions of this Section when such application misstates the age of the minor and any person knowingly violating this provision shall be guilty of a misdemeanor."

Sec. 9. Subsection (a) of Section 20-16 of the General Statutes is hereby amended by inserting immediately following the word "chauffeur" at the end of the second line of said subsection the words "with or".

Sec. 10. Subsection (c) of Section 20-16 of the General Statutes is hereby amended by inserting a comma immediately following the word "hearing" in the third line of said subsection and by inserting immediately following said comma the words "unless a preliminary hearing was held before his license was suspended," and is further amended by adding to the end of said subsection a new sentence to read as follows:

"The authorized agents of the department shall have the same powers in connection with a preliminary hearing prior to suspension as this subsection provides in connection with hearings held after suspension."

Sec. 11. Paragraph 6 of subsection (a) of Section 20-16 of the General Statutes is hereby amended by inserting between the word "Has" and the word "permitted" in said paragraph the words "made or".

Sec. 12. Subsection (a) of Section 20-16 of the General Statutes is hereby amended by adding to the end of said subsection a new paragraph to be numbered 11 and to read as follows:

"11. Has been convicted of failing to stop at the scene of an accident or collision in which the licensee was involved and which accident or collision resulted in damage to property."

Sec. 13. Section 20-19 of the General Statutes is hereby amended by adding to the end thereof a new subsection to be numbered (g) and to read as follows:

"When a license is suspended under paragraph 12 of Section 20-16 (a), the period of suspension shall be for a period of time not in excess of the period of non-operation imposed by the court as a condition of the suspended sentence; further, in such case, it shall not be necessary to comply with the Motor Vehicle Safety and Financial Responsibility Act in order to have such license returned at the expiration of the suspension period."

Sec. 14. Subsection (b) of Section 20-24 of the General Statutes is hereby amended by adding to the end of said subsection a new sentence to read as follows:

"Every court shall also forward to the department a record of every conviction in which sentence is suspended on condition that the defendant not operate a motor vehicle for a period of time, and such report shall state the period of time for which such condition is imposed; provided that the punishment for the violation of this subsection shall be the same as provided in Sec. 20-7 (n)."

Sec. 15. (a) Section 20-16.1 of the General Statutes is hereby amended by inserting between the word "Operators" and the word "whose" as the same appear in the first line of the last paragraph of said Section as set forth in the 1953 Cumulative Supplement to Volume 1C of the General Statutes the words "or chauffeurs".

(b) The provisions of this Section shall be effective from and after the ratification of this Act.

Sec. 16. Section 20-17.1 of the General Statutes is hereby amended by deleting from the fifth line of subsection (a) thereof as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes the words "and registration" and is further amended by deleting from the first line of subsection (b) as the same appears in the 1953 Cumulative Supplement to Volume 1C of the General Statutes the words "or registration".

Sec. 17. Subsection (a) of Section 20-19 of the General Statutes is hereby amended by rewriting said subsection to read as follows:

"When a license is suspended under paragraph 9 of Section 20-16 (a), the period of suspension shall be in the discretion of the department and for such time as it deems best for public safety but shall not exceed six (6) months."

Sec. 18. Subsection (b) of Section 20-19 of the General Statutes is hereby amended by rewriting said subsection to read as follows:

"When a license is suspended under paragraph 10 of Section 20-16 (a), the period of suspension shall be in the discretion of the department and for such time as it deems best for public safety but shall not exceed a period of twelve (12) months."

Sec. 19. Chapter 20 of the General Statutes is hereby amended by inserting therein immediately following Section 20-23 of said Chapter a new Section to be designated Section 20-23.1 and to read as follows:

"In any case where the department would be authorized to suspend or revoke the license of a person but such person does not hold a license, the department is authorized to suspend or revoke the operating privilege of such a person in like manner as it could suspend or revoke his license if such person held an operator's or chauffeur's license, and the provisions of this Chapter governing suspensions, revocations, issuance of a license, driving after license suspended or revoked, and filing of proof of financial responsibility shall apply in the discretion of the department in the same manner as if the license had been suspended or revoked."

Sec. 20. (a) Subsection (a) of Section 20-28 of the General Statutes is hereby amended by rewriting the subsection to read as follows:

"Any person whose operator's or chauffeur's license has been suspended or revoked other than permamently, as provided in this Chapter, who shall

drive any motor vehicle upon the highways of the State while such license is suspended or revoked shall be guilty of a misdemeanor and his license shall be suspended or revoked, as the case may be, for an additional period of one year for the first offense, three years for the second offense, and permanently for a third or subsequent offense; provided, any person whose license has been permanently suspended or revoked under this Section may apply for a new license after five years from the commencement of the permanent suspension or revocation. Upon conviction a violator of this Section shall be punished by a fine of not less than two hundred dollars ($200.00) or imprisonment in the discretion of the court, or by both such fine and imprisonment; provided, however, the restoree of a suspended or revoked operator's or chauffeur's license who operates a motor vehicle upon the highways or streets of the State without maintaining financial responsibility as provided by law shall be punishable as for operating without an operator's license.

(b) Notwithstanding the provisions of subsection (a) of this Section, the provisions of subsection (a) of Section 20-28 as in force immediately prior to the effective date of this Act shall continue to remain in full force and effect with respect to licenses additionally suspended or revoked under those provisions prior to the effective date of this Act. Such provisions shall likewise continue to remain in full force and effect with respect to offenses committed prior to the effective date of this Act.

Sec. 21. Section 20-48 of the General Statutes is hereby amended by striking from the second line thereof the word "Article" and by inserting in lieu thereof the word "Chapter".

Sec. 22. Except as otherwise specifically provided herein, all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 23. Except as otherwise specifically provided herein, this Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 447 CHAPTER 1188

AN ACT TO APPROPRIATE TWENTY-FIVE THOUSAND DOLLARS TO THE DEPARTMENT OF AGRICULTURE FOR THE PURPOSE OF ACQUIRING LANDS FOR THE RELOCATION OF THE BORDER BELT TOBACCO RESEARCH FARM.

WHEREAS, the Border Belt Tobacco Research Farm is presently located in Columbus County on a tract of land leased to the Agricultural Experiment Station of North Carolina State College, and

WHEREAS, it is desirable and in the best interest of the research program on tobacco in the particular area to relocate the said farm on lands owned by the State of North Carolina, and

WHEREAS, the North Carolina Department of Agriculture requests permission and deems it advisable to purchase lands in Columbus County for the relocation and operation of the said farm: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State to the Department of Agriculture the sum of twenty-five thousand dollars ($25,000), which sum is to be used by the Department for the purpose of acquiring suitable lands in Columbus County for the relocation of the Border Belt Tobacco Research Farm so as to insure its continued operation and contribution to the tobacco research program needed in the particular area.

Sec. 1½. Section 1 of the Committee Substitute for House Bill No. 9, The Budget Appropriation Bill for the Biennium 1955-57, ratified May 11, 1955, is hereby amended by striking out the figures "1,458,742" and "1,478,030" appearing in line 120 and substituting in lieu therefor the figures "1,457,642" and "1,476,930" respectively.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 612 CHAPTER 1189

AN ACT TO AMEND G. S. 50-16 SO AS TO PROVIDE FOR THE SUPPORT OF CHILDREN IRRESPECTIVE OF THE RIGHTS OF THE WIFE AND THE HUSBAND UNDER SAID SECTION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 50-16 is hereby amended by adding at the end thereof the following:

"The court may enter orders in a proceeding under this Section relating to the support and maintenance of the children of the plaintiff and the defendant in the same manner as such orders are entered by the court in an action for divorce, irrespective of what may be the rights of the wife and the husband as between themselves in such proceeding.

"In any action instituted by the wife under the provisions of this Section when there is a minor child or children, the complaint in such action shall set forth the name and age of such child or children; and if there be no minor child, the complaint shall so state."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after January 1, 1956.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 629 **CHAPTER 1190**

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A STATE BUILDING TO HOUSE THE MOTOR VEHICLES DEPARTMENT AND OTHER DEPARTMENTS AND AGENCIES, AND AUTHORIZING THE GOVERNOR, AS DIRECTOR OF THE BUDGET, TO TRANSFER FUNDS NECESSARY FOR THIS PURPOSE.

WHEREAS, there is a serious and urgent need for additional housing space for use by the several agencies and departments of the State government; and

WHEREAS, during the next biennium, there will be an increasing and developing demand for additional space for those agencies and departments which are now already overcrowded; and

WHEREAS, it is the policy of the State not to borrow money at this time to be used for permanent improvements; and

WHEREAS, it has been determined that there are sufficient funds available in unexpended appropriations heretofore made to the agencies and departments named in this Act to provide additional necessary housing space, and grounds upon which to construct a building to accomplish this purpose are available at no expense; and

WHEREAS, this Act has been approved and its passage by the General Assembly has been recommended by the Governor and Council of State and the State Board of Public Buildings and Grounds: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Public Buildings and Grounds is hereby authorized and empowered to construct, in the City of Raleigh at a location to be selected by the Governor and the State Board of Public Buildings and Grounds, an office building to house the activities of the Motor Vehicles Department, the Wildlife Resources Commission, the Banking Department, and such other departments and agencies as may be determined by the State Board of Public Buildings and Grounds, said building to be constructed and equipped at a total cost not to exceed the sum of one million four hundred fifteen thousand dollars ($1,415,000.00).

Sec. 2. To provide for the cost of construction of said building, the Governor, as Director of the Budget, is hereby authorized and empowered to transfer the funds necessary therefor from the following funds and appropriations heretofore made:

(A) A sum not to exceed sixty-five thousand dollars ($65,000.00) from funds appropriated to the Board of Public Buildings and Grounds in the State Permanent Improvement Bonds Act, Chapter 1149, Session Laws of 1953, for the purchase of land;

(B) A sum not to exceed six hundred thousand dollars ($600,000.00) from the operators' and chauffeurs' license fund collected under the provisions of G. S. 20-7(i)(j) of the General Statutes;

(C) A sum not exceeding two hundred thousand dollars ($200,000.00) from the funds provided for the Wildlife Resources Commission by G. S. 143-50, or other applicable laws;

(D) A sum not exceeding four hundred thousand dollars ($400,000.00) from the State Highway Fund;

(E) A sum not to exceed sixty thousand dollars ($60,000.00) derived from the examination of banks, as provided by G. S. 53-122.

Sec. 3. The Governor, as Director of the Budget, shall make such allocations from the said funds for said purpose, as near as may be, in proportion to the space to be occupied and used in the said office building by the said departments and activities. The amount of the said allocations shall be determined by the cost of the said building after such costs have been determined, after receipt of bids for the construction of said building and upon determination by the Board of Public Buildings and Grounds, with the approval of the Governor, as to the type of building to be constructed and the necessary space in the same to be assigned for the uses hereinbefore referred to.

Sec. 4. From the funds allocated for the purpose aforesaid, provision shall be made for adequate parking space necessary for serving the needs of said building and the occupants thereof and persons having business with the said State agencies. The said amount shall also include the necessary funds for the equipment of the said building which have not been otherwise provided.

Sec. 4½. The construction of the said building shall not be subject to the zoning laws of the City of Raleigh, and the provisions of G. S. 160-181.1, to the extent of conflict herewith, are hereby repealed.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 693 CHAPTER 1191

AN ACT FOR THE RELIEF OF THE SHERIFF AND BOARD OF COUNTY COMMISSIONERS OF RICHMOND COUNTY.

WHEREAS, in the early part of 1951, the board of county commissioners, as an emergency measure, appointed Sheriff R. W. Goodman as Dog Warden of Richmond County, and

WHEREAS, as a result of such appointment, Sheriff Goodman, through his deputies, performed the duties of dog warden of said county and was compensated therefor out of the general fund of the county, and

WHEREAS, it has been suggested to the sheriff and the board of county commissioners that the action of the sheriff under such appointment might be violative of the constitutional provision against double office holding, and

WHEREAS, the action of the sheriff and the board of county commissioners was taken in good faith: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All actions and procedures taken by the board of county commissioners in appointing Sheriff R. W. Goodman as Dog Warden of Richmond County, and compensating him for services as such, and all actions and procedures taken and performed by Sheriff Goodman acting in the capacity of sheriff and dog warden under said appointment, are hereby in all respects confirmed, ratified and validated.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 709 CHAPTER 1192

AN ACT TO AMEND G. S. 116-151 RELATING TO CLASSES OF CHILDREN OF WORLD WAR VETERANS ENTITLED TO RECEIVE SCHOLARSHIPS.

The General Assembly of North Carolina do enact:

Section 1. Paragraph (1) of G. S. 116-151 is hereby rewritten to read as follows:

"(1) Class I: Any eligible child whose father was killed in action or died from wounds or other causes while a member of the Armed Forces during either period of military service described in §116-149, or whose father has died as a direct result of injuries, wounds, or other illness contracted during said period of service, or any eligible child whose father is or was a veteran who, at the time the benefits pursuant to this Article are sought to be availed of, is suffering from, or who at the time of his death was suffering from, one hundred per cent (100%) service-connected disability, as rated by the United States Veterans Administration, and who is or was drawing compensation for such disability."

Sec. 2. Paragraph (3) of G. S. 116-151 is hereby rewritten to read as follows:

"(3) Class III: Any eligible child whose father is or was a veteran who, at the time the benefits pursuant to this Article are sought to be availed of, is suffering from, or who at the time of his death was suffering from, one hundred per cent (100%) nonservice-connected disability, as rated by the United States Veterans Administration, and who is or was drawing compensation for such disability; provided, that benefits pursuant to §116-150 for this class of eligible children shall be limited to not more than ten children in any one school year, and, provided further, that if more than ten children of this class apply for such benefits in any one school year, the North Carolina Veterans Commission shall designate the ten children who shall receive such benefits."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 747 CHAPTER 1193

AN ACT TO PROVIDE FOR THE ORDER OF ROTATION OF REGULAR SUPERIOR COURT JUDGES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-74 is hereby rewritten to read as follows:

§ 7-74. Rotation of Judges.—Each regular Judge of the Superior Court shall reside in the judicial district for which he is elected. For the fall term of Superior Court of the year one thousand nine hundred fifty-five, each judge shall hold the courts of the district in which he resides. Thereafter, each judge shall preside in the several districts successively, within the judicial division in which the district wherein he resides is situated. The judge presiding in a district for the spring term shall hold the courts which are scheduled between January and June, both inclusive, and the judge presiding in a district for the fall term shall hold the courts which are scheduled between July and December, both inclusive. Provided, that two judges shall preside over the Courts of the Eighteenth and Twenty-Sixth Judicial Districts, in the following manner: For the fall term, one thousand nine hundred fifty-five, the Senior Resident Judges of the Eighteenth and Twenty-Sixth Districts shall hold Schedule "B" Courts and the Junior Resident Judges of said districts shall hold Schedule "A" Courts in their respective districts. For the spring term, one thousand nine hundred fifty-six, the Senior Resident Judges of the Eighteenth and Twenty-Sixth Districts shall hold the Courts of the Nineteenth and Twenty-Seventh Districts, respectively, and the Junior Resident Judges of the Eighteenth and Twenty-Sixth Districts shall hold Schedule "B" Courts in said districts. Thereafter, in the same manner, the Judges presiding in the Eighteenth and Twenty-Sixth Districts shall hold the Courts of Schedule "A" and Schedule "B" successively and shall rotate to the next succeeding district after holding the Courts of Schedule "B".

Sec. 2. G. S. 7-75 is hereby amended by deleting the third line and by inserting in lieu thereof the following: "residing in the several divisions."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 761 **CHAPTER 1194**

AN ACT TO AMEND SECTIONS 62-121.8(1) AND 62-121.11 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE FOR THE REGULATION BY THE NORTH CAROLINA UTILITIES COMMISSION OF THE TRANSPORTATION OF HOUSEHOLD EFFECTS WITHIN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Section 62-121.8(1), General Statutes of North Carolina, be amended by striking out all of subsection (d) and (k) thereof and by relettering the remaining subsections in alphabetical order.

Sec. 2. That Section 62-121.8(1) be amended by adding an unnumbered paragraph immediately following paragraph (1), the last subsection, to read as follows:

"Provided that none of the provisions of this Section nor any of the provisions of this Act shall be construed so as to prohibit or regulate the transportation of property by any motor carrier when the movement is within a municipality or within contiguous municipalities and within a zone adjacent to and commercially a part of such municipality or contiguous municipalities, as defined by the Commission; provided further that the Commission shall have the power in its discretion, in any particular case, to fix the limits of any such zone and that nothing herein shall be construed as an abridgment of the police powers of any municipality over such operation wholly within any such municipality. Nothing in this Act shall be construed to prohibit or regulate the transportation of household effects of families from one residence to another by persons who do not hold themselves out as being, and are not generally engaged in the business of transporting such property for compensation."

Sec. 3. That Section 62-121.11, General Statutes of North Carolina, be amended by adding thereto a subsection designated (4) to read as follows:

"(4) (a) Any person holding an exemption permit and engaged in the transportation of household effects on and prior to February 15, 1955, shall be eligible to apply to the North Carolina Utilities Commission for a certificate of public convenience and necessity authorizing the transportation of household goods as defined by the North Carolina Utilities Commission, between all points and places within the State of North Carolina. Applications under this subsection shall be made on or before the effective date of this amending Act, to the Commission in writing on forms furnished by the Commission, shall be verified under oath by the applicant and shall be accompanied by a full and complete report of the operations of the applicant, or its predecessor, during one or more calendar months of the year 1954 or the year 1955, chosen by the applicant as showing bona-fide operation for the handling of household goods prior to and since February 15, 1955, the equipment owned or used in the operation of the applicant, and a current balance sheet showing assets and liabilities and the net worth of the applicant.

(b) The Commission, upon findings that the applicant was engaged in

bona fide operation under an exemption permit and engaged in the transportation of household effects on and prior to February 15, 1955; that the applicant has so operated continuously since that date, and that the applicant is fit, willing and able to perform the service for which application is made, shall issue a certificate to such applicant authorizing the irregular route operation for which application is made.

(c) It shall be the duty of the Commission under this Section, to issue a certificate as a matter of course and without further proceedings, to each carrier engaged in the transportation of household goods on the effective date of this amending Act under a certificate heretofore issued by the Commission to each such carrier authorizing the handling of household goods as defined by the North Carolina Utilities Commission throughout the State of North Carolina."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after October 1, 1955.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 809 CHAPTER 1195

AN ACT PROVIDING FOR THE ORGANIZATION OF AUTHORITIES AS PUBLIC BODIES AND BODIES POLITIC AND CORPORATE BY TWO OR MORE COUNTIES, CITIES, TOWNS, INCORPORATED VILLAGES, SANITARY DISTRICTS OR OTHER POLITICAL SUBDIVISIONS OR PUBLIC CORPORATIONS OF THIS STATE; AUTHORIZING AND EMPOWERING ANY SUCH AUTHORITY TO ACQUIRE, CONSTRUCT, RECONSTRUCT, IMPROVE, EXTEND, REPAIR, MAINTAIN AND OPERATE WATER AND SEWER SYSTEMS; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS PAYABLE SOLELY FROM REVENUES, TO PAY ALL OR ANY PART OF THE COST OF ACQUIRING OR CONSTRUCTING ANY WATER SYSTEM OR SEWER SYSTEM AND THE COST OF IMPROVEMENTS, EXTENSIONS AND ADDITIONS; GRANTING TO SUCH AUTHORITIES POWER TO ACQUIRE NECESSARY REAL AND PERSONAL PROPERTY, AND TO EXERCISE THE POWER OF EMINENT DOMAIN; PROVIDING FOR THE IMPOSITION AND COLLECTION OF CHARGES FOR THE USE OF AND FOR THE SERVICES FURNISHED BY ANY WATER SYSTEM OR SEWER SYSTEM; AND PRESCRIBING THE POWERS AND DUTIES OF SUCH AUTHORITIES AND OF PARTICIPATING POLITICAL SUBDIVISIONS IN CONNECTION WITH THE FOREGOING AND THE RIGHTS AND REMEDIES OF THE HOLDERS OF ANY BONDS ISSUED UNDER THE PROVISIONS OF THIS ACT.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known and may be cited as the "North Carolina Water and Sewer Authorities Act".

Sec. 2. As used in this Act the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word "Authority" shall mean an authority created under the provisions of this Act, or, if such Authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this Act to the Authority shall be given by law.

(b) The word "cost" as applied to a water system or a sewer system shall include the purchase price of any such system, the cost of construction, the cost of all labor and materials, machinery and equipment, the cost of improvements, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and, if deemed advisable by the Authority, for one year after completion of construction, cost of plans and specifications, surveys and estimates of cost and of revenues, cost of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction, administrative expense and such other expenses, including reasonable provision for working capital, as may be necessary or incident to the financing herein authorized. Any obligation or expense incurred by the Authority or by any political subdivision prior to the issuance of bonds under the provisions of this Act in connection with any of the foregoing items of cost may be regarded as a part of such cost.

(c) The term "governing body" shall mean the board, commission, council or other body, by whatever name it may be known, in which the general legislative powers of the political subdivision are vested.

(d) The word "improvements" shall mean such repairs, replacements, additions, extensions and betterments of and to a water system or a sewer system as are deemed necessary by the Authority to place or to maintain such system in proper condition for its safe, efficient and economic operation or to meet requirements for service in areas which may be served by the Authority and for which no existing service is being rendered.

(e) The term "political subdivision" shall mean any county, city, town, incorporated village, sanitary district or other political subdivision or public corporation of this State now or hereafter incorporated.

(f) The term "water system" shall mean and include all plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water, and any integral part thereof, including but not limited to water supply systems, water distribution systems, sources of water supply including lakes, reservoirs and wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves, and all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the Authority for the operation thereof.

(g) The word "sewage" shall mean the water-carried wastes created in and carried or to be carried away from residences, hotels, schools, hospitals, industrial establishments, commercial establishments or any other

private or public building together with such surface or ground water or household and industrial wastes as may be present.

(h) The term "sewage disposal system" shall mean and shall include any plant, system, facility or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources), or any integral part thereof, including but not limited to treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the Authority for the operation thereof.

(i) The word "sewers" shall include mains, pipes and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system, including pumping stations where deemed necessary by the Authority.

(j) The term "sewer system" shall embrace both sewers and sewage disposal systems and all property, rights, easements and franchises relating thereto.

(k) The word "Board" shall mean the Board of Water Commissioners of the State of North Carolina or the Board, Body or Commission succeeding to the principal functions thereof or to whom the powers given by this Act to the Board shall be given by law.

(l) The word "person" shall mean any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities, or political subdivisions, governmental agencies, or private or public corporations organized and existing under the laws of this State or any other state or country.

Sec. 3. (a) The governing bodies of any two or more political subdivisions may by resolution signify their determination to organize an Authority under the provisions of this Act. Each of such resolutions shall be adopted after a public hearing thereon, notice of which hearing shall be given by publication at least once, not less than 10 days prior to the date fixed for such hearing, in a newspaper having a general circulation in the political subdivision. Such notice shall contain a brief statement of the substance of the proposed resolution, shall set forth the proposed articles of incorporation of the Authority and shall state the time and place of the public hearing to be held thereof. No such political subdivision shall be required to make any other publication of such resolution under the provisions of any other law.

(b) Each such resolution shall include articles of incorporation which shall set forth:

(1) the name of the Authority;

(2) a statement that such Authority is organized under this Act;

(3) the names of the organizing political subdivisions, and

(4) the names and addresses of the first members of the Authority appointed by the organizing political subdivisions.

(c) A certified copy of each of such resolutions signifying the determination to organize an Authority under the provisions of this Act shall be filed with the Secretary of State of North Carolina, together with proof of publication of the notice of hearing on each of such resolutions. If the Secretary of State finds that the resolutions, including the articles of incorporation, conform to the provisions of this Act and that the notices of hearing were properly published, he shall file such resolutions and proofs of publication in his office and shall issue a certificate of incorporation under the Seal of the State and shall record the same in an appropriate book of record in his office. The issuance of such certificate of incorporation by the Secretary of State shall constitute the Authority a public body and body politic and corporate of the State of North Carolina. Said certificate of incorporation shall be conclusive evidence of the fact that such Authority has been duly created and established under the provisions of this Act.

(d) When the Authority has been duly organized and its officers elected as herein provided, the Secretary of the Authority shall certify to the Secretary of State the names and addresses of such officers as well as the address of the principal office of the Authority.

Sec. 4. Whenever an Authority has been organized under the provisions of this Act, any political subdivision may withdraw therefrom at any time prior to the creation of any obligations by the Authority, and any political subdivision not having joined in the original organization may, with the consent of the Authority, join the Authority; provided, that any political subdivision not having joined the original organization shall have the right upon reasonable terms and conditions, whether the Authority shall consent thereto or not, to join the Authority if the Authority's water system or sewer system, or any part thereof is situated within the boundaries of the political subdivision or of the county within which the political subdivision is located.

Any political subdivision desiring to withdraw from or to join an existing Authority shall signify its desire by resolution adopted after a public hearing thereon, notice of which hearing shall be given in the manner and at the time provided in Section 3 hereof. Such notice shall contain a brief statement of the substance of said resolution, and shall state the time and place of the public hearing to be held thereon. In the case of a political subdivision desiring to join the Authority, the resolution shall set forth all of the information required under Section 3 hereof in connection with the original organization of the Authority, including the name and address of the first member of the Authority from the joining political subdivision.

A certified copy of each such resolution signifying the desire of a political subdivision to withdraw from or to join an existing Authority, together with proof of publication of the notice of hearing on each such resolution and, in cases where such resolution provides for the political subdivision joining the Authority, a certified copy of a resolution of the Authority consenting to such joining (except in cases where such consent is unnecessary), shall be filed with the Secretary of State of North Caro-

lina. If the Secretary of State finds that the resolutions conform to the provisions of this Act and that the notices of hearing were properly published, he shall file such resolutions and proofs of publication in his office and shall issue a certificate of withdrawal, or a certificate of joinder, as the case may be, and shall record the same in an appropriate book of record in his office. The withdrawal or joining shall become effective upon the issuance of such certificate, and such certificate shall be conclusive evidence thereof.

Sec. 5. Each Authority organized under this Act shall consist of the number of members as may be agreed upon by the participating political subdivisions, such members to be selected by the respective participating political subdivisions, but in all cases at least one member appointed by the governing body of each of the participating political subdivisions and one member appointed by the Governor of North Carolina. A proportionate number (as nearly as can be) of the members of the Authority first appointed shall have terms expiring two years, four years and six years, respectively, from the date on which the creation of the Authority becomes effective. The terms of the individual members of the Authority first appointed shall be selected by lot at the first meeting of all the members thereof. Successor members and members appointed by political subdivisions subsequently joining the Authority shall each be appointed for a term of six years, but any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and any member of the Authority may be reappointed. Appointments of successor members shall, in each instance, be made by the governing body of the political subdivision or by the Governor of North Carolina appointing the member whose successor is to be appointed. Any member of the Authority may be removed for cause by the governing body of the political subdivision or the Governor of North Carolina appointing him.

Each member of the Authority before entering upon his duties shall take and subscribe an oath or affirmation to support the Constitution of the United States and of this State and to discharge faithfully the duties of his office, and a record of each such oath shall be filed with the Secretary of the Authority.

The Authority shall select one of its members as Chairman and another as Vice Chairman and shall also select a Secretary and a Treasurer who may but need not be members of the Authority. The offices of Secretary and Treasurer may be combined. The terms of office of the Chairman, Vice Chairman, Secretary and Treasurer shall be as provided in the bylaws of the Authority.

A majority of the members of the Authority shall constitute a quorum and the affirmative vote of a majority of all of the members of the Authority shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all of the duties of the Authority. The members of the Authority shall serve without compensation but shall be reimbursed for the amount of actual expenses incurred by them in the performance of their duties.

Sec. 6. Each Authority created hereunder shall be deemed to be a public instrumentality exercising public and essential governmental functions to provide for the public health and welfare, and each such Authority is, subject to the provisions of Section 6½ of this Act, hereby authorized and empowered:

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) to adopt an official seal and alter the same at pleasure;

(c) to maintain an office at such place or places as it may designate;

(d) to sue and be sued in its own name, plead and be impleaded;

(e) to acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain and operate any water system or part thereof or any sewer system or part thereof or any combination thereof within or without the participating political subdivisions or any thereof;

(f) to issue revenue bonds of the Authority as hereinafter provided to pay the cost of such acquisition, construction, reconstruction, improvement, extension, enlargement or equipment;

(g) to issue revenue refunding bonds of the Authority as hereinafter provided;

(h) to combine any water system and any sewer system as a single system for the purpose of operation and financing;

(i) to fix and revise from time to time and to collect rates, fees and other charges for the use of or for the services and facilities furnished by any system operated by the Authority;

(j) to acquire in the name of the Authority by gift, purchase or the exercise of the right of eminent domain in accordance with the General Statutes of North Carolina which may be applicable to the exercise of such powers by municipalities or counties, any lands or rights in land or water rights in connection therewith, and to acquire such personal property, as it may deem necessary in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement or operation of any water system or sewer system, and to hold and dispose of all real and personal property under its control; provided, that the taking of water from any stream or reservoir by an Authority created under the provisions of this Act shall not vest in the taker any rights by prescription; provided, further, that nothing in this Section shall affect rights by prescription, if any, now held by any municipality and which may be later transferred to any Authority of which such municipality may become a member.

(k) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act, including a trust agreement or trust agreements securing any revenue bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts, accountants and attorneys, and such employees and agents as may, in the judgment of the Authority be deemed necessary, and to fix their compensation; provided, however, that all such expenses shall be

payable solely from funds made available under the provisions of this Act;

(l) to enter into contracts with the Government of the United States or any agency or instrumentality thereof, or with any political subdivision, private corporation, co-partnership, association or individual providing for the acquisition, construction, reconstruction, improvement, extension, enlargement, operation or maintenance of any water system or sewer system or providing for or relating to the treatment and disposal of sewage or providing for or relating to any water system or the purchase or sale of water;

(m) to enter into contract with any political subdivision by which the Authority shall assume the payment of the principal of and interest on indebtedness of such subdivision; and

(n) to do all acts and things necessary or convenient to carry out the powers granted by this Act.

Sec. 6½. (a) No Authority shall institute proceedings in the nature of eminent domain to acquire water, water rights, or lands having water rights attached thereto without first securing from the Board a certificate authorizing such acquisition.

(b) An Authority seeking such certificate shall petition the Board therefor in writing, which petition shall include a description of the waters or water rights involved, the plans for impounding or diverting such waters, and the names of riparian owners affected thereby insofar as known to the Authority. Upon receipt of such petition, the Board shall hold public hearing thereon after giving at least thirty days' written notice thereof to known affected riparian owners and notice published at least once each week for two successive weeks in a newspaper or newspapers of general circulation in each county in which lower riparian lands lie.

(c) The Board shall issue certificates only to projects which it finds to be consistent with the maximum beneficial use of the water resources in the State and shall give paramount consideration to the State-wide effect of the proposed project rather than its purely local or regional effect. In making this determination, the Board shall specifically consider:

(1) The necessity of the proposed project;

(2) Whether the proposed project will promote and increase the storage and conservation of water;

(3) The extent of the probable detriment to be caused by the proposed project to the present beneficial use of water in the affected watershed and resulting damages to present beneficial users.

(4) The extent of the probable detriment to be caused by the proposed project to the potential beneficial use of water on the affected watershed;

(5) The feasibility of alternative sources of supply to the petitioning Authority and the comparative cost thereof;

(6) The extent of the probable detriment to be caused by the use of alternative sources of supply to present and potential beneficial use of water on the watershed or watersheds affected by such alternative sources of supply;

(7) All other factors as will, in the Board's opinion, produce the maximum beneficial use of water for all in all areas of the State affected by the proposed project or alternatives thereto.

Upon the considerations above set forth, the Board may grant its certificate in whole or in part or it may refuse the same.

(d) At the public hearing provided for in subsection (b) above the Board shall hear evidence from the Authority and any others in support of its petition and from all persons opposed thereto.

(e) At any hearing authorized by this Section, the Board shall have power to administer oaths; to take testimony; to issue subpoenaes and compel the attendance of witnesses, which shall be served in the same manner as subpoenaes issued by the Superior Courts of the State; and to order the taking of depositions in the same manner as depositions are taken for use in the Superior Court.

(f) Any final order or decision of the Board in administering the provisions of this Section shall be subject to judicial review at the instance of any person or Authority aggrieved by such order or decision by complying with the provisions of Article 33, Chapter 143 of the General Statutes of North Carolina.

Sec. 7. Each Authority is hereby authorized to issue, at one time or from time to time, revenue bonds of the Authority for the purpose of paying all or any part of the cost of acquiring, constructing, reconstructing, improving, extending, enlarging or equipping any water system or sewer system or any part or any combination thereof. The bonds of each issue shall be dated, shall mature at such time or times not exceeding forty years from their date or dates and shall bear interest at such rate or rates not exceeding five per centum (5%) per annum, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any of the other provisions of this Act or any recitals in any bonds issued under the provisions of this Act, all such bonds shall be deemed to be negotiable instruments under the laws of this State. The bonds may be issued in coupon or registered form or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. Such bonds shall be approved and sold by the Local Government Commission in the same manner as municipal

bonds are approved and sold by that Commission, except that the said Commission may sell any bonds issued pursuant to this Act at private sale and without advertisement, and for such price, with the consent of the Authority, as it may determine to be for the best interests of the Authority, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five per centum (5%) per annum, computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity.

The proceeds of the bonds of each issue shall be used solely for the purpose for which such bonds shall have been authorized and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of such bonds, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the authorizing resolution or in the trust agreement securing such bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose.

The resolution providing for the issuance of revenue bonds, and any trust agreement securing such bonds, may also contain such limitations upon the issuance of additional revenue bonds as the Authority may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust agreement.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery, except that such interim receipts or temporary bonds shall be approved by the Local Government Commission in the same manner as the definitive bonds are approved by said Commission under the provisions of this Act. Delivery of interim receipts or temporary bonds or of the bonds authorized pursuant to this Act to the purchaser or order, or delivery of definitive bonds in exchange for interim receipts or temporary bonds, shall be made in the same manner as municipal bonds may be delivered under the provisions of the Local Government Act. The Authority may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost.

Excepting the requirement herein that approval of the Local Government Commission shall be obtained, bonds may be issued under the provisions of this Act without obtaining the consent of any other commission, board, bureau or agency of the State or of any political subdivision, and without any other proceeding or the happening of other conditions or things than those proceedings, conditions or things which are specifically required by this Act.

Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the State or of any political subdivision or a pledge of the faith and credit of the State or of any political subdivision, but such bonds shall be payable solely from the funds herein provided therefor and a statement to that effect shall be recited on the face of the bonds.

Sec. 8. Each Authority shall fix, and may revise from time to time, reasonable rates, fees and other charges for the use of and for the services furnished or to be furnished by any water system or sewer system or parts thereof owned or operated by such Authority. Such rates, fees and charges shall not be subject to supervision or regulation by any bureau, board, commission or other agency of the State or of any political subdivision. Such rates, fees and charges shall be fixed and revised so that the revenues of the Authority, together with any other available funds, will be sufficient at all times (a) to pay the cost of maintaining, repairing and operating the systems or parts thereof owned or operated by the Authority, including reserves for such purposes, and including provision for the payment of principal of and interest on indebtedness of a political subdivision or of political subdivisions which payment shall have been assumed by the Authority, and (b) to pay the principal of and the interest on all bonds issued by the Authority under the provisions of this Act as the same shall become due and payable and to provide reserves therefor. Notwithstanding any of the foregoing provisions of this Section, the Authority may enter into contracts relating to the collection, treatment or disposal of sewage or the purchase or sale of water which shall not be subject to revision except in accordance with their terms.

In order to insure the payment of such rates, fees and charges as the same shall become due and payable, the Authority may, in addition to any other remedies which it may have (1) require reasonable advance deposits to be made with it to be subject to application to the payment of delinquent rates, fees and charges, and (2) at the expiration of thirty days after any such rates, fees and charges become delinquent, discontinue supplying water or the services and facilities of any water system or sewer system of the Authority.

Sec. 9. In the discretion of the Authority, each or any issue of revenue bonds may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received, but shall not convey or mortgage any water system or sewer system or any part thereof, and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition, construction, reconstruction, improvement, maintenance, repair, operation and insurance of any such system or systems, the fixing and revising of rates, fees and charges, and the custody, safeguarding and application of all moneys, and for the employment of consulting engineers

in connection with such acquisition, construction, reconstruction or operation. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as depositary of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. Such resolution or trust agreement may contain such other provisions in addition to the foregoing as the Authority may deem reasonable and proper for the security of the bondholders. Except as in this Act otherwise provided, the Authority may provide for the payment of the proceeds of the sale of the bonds and the revenues of any water system or sewer system or part thereof to such officer, board or depositary as it may designate for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as a part of the cost of operation.

All pledges of revenues under the provisions of this Act shall be valid and binding from the time when such pledge is made. All such revenues so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledges without any physical delivery thereof or further action, and the lien of such pledges shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof.

Sec. 10. All moneys received pursuant to the authority of this Act shall be deemed to be trust funds, to be held and applied solely as provided in this Act. The resolution authorizing the issuance of bonds or the trust agreement securing such bonds shall provide that any officer to whom, or bank, trust company or fiscal agent to which, such moneys shall be paid shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such resolution or trust agreement may provide.

Sec. 11. Any holder of revenue bonds issued under the provisions of this Act or of any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by the resolution authorizing the issuance of such bonds or such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this Act or by such resolution or trust agreement to be performed by the Authority or by any officer thereof, including the fixing, charging and collecting of rates, fees and charges for the use of or for the services and facilities furnished by a water system or sewer system.

Sec. 12. Each Authority is hereby authorized to issue from time to time revenue refunding bonds for the purpose of refunding any revenue bonds of the Authority then outstanding, including the payment of any

redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds. The Authority is further authorized to issue from time to time revenue bonds of the Authority for the combined purpose of (a) refunding any revenue bonds or revenue refunding bonds of the Authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of acquiring or constructing any additional water system or sewer system or part thereof, or any improvements, extensions or enlargements of any water system or sewer system. The issuance of such bonds, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties and obligations of the Authority with respect to the same, shall be governed by the foregoing provisions of this Act insofar as the same may be applicable.

Sec. 13. The governing body of any political subdivision is hereby authorized and empowered:

(a) Subject to the approval of the Local Government Commission, to transfer jurisdiction over, and to lease, lend, grant or convey to an Authority upon the request of the Authority, upon such terms and conditions as the governing body of such political subdivision may agree with the Authority as reasonable and fair, the whole or any part of any existing water system or sewer system or such real or personal property as may be necessary or desirable in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement, equipment, repair, maintenance or operation of any water system or sewer system or part thereof by the Authority, including public roads and other property already devoted to public use;

(b) to make and enter into contracts or agreements with an Authority, upon such terms and conditions and for such periods as are agreed to by the governing body of such political subdivision and the Authority;

(1) for the collection, treatment or disposal of sewage by the Authority or for the purchase of a supply of water from the Authority;

(2) for the collecting by such political subdivision or by the Authority of fees, rates or charges for water furnished to such political subdivision or to its inhabitants and for the services and facilities rendered to such political subdivision or to its inhabitants by any water system or sewer system of the Authority, and for the enforcement of delinquent charges for such water, services and facilities; and

(3) for shutting off the supply of water furnished by any water system owned or operated by such political subdivision in the event that the owner, tenant or occupant of any premises utilizing such water shall fail to pay any rates, fees or charges for the use of or for the services furnished by any sewer system of the Authority, within the time or times specified in such contract;

(c) to fix, and revise from time to time, rates, fees and other charges for water and for the services furnished or to be furnished by any water system or sewer system of the Authority, or parts thereof, under any contract between the Authority and such political subdivision, and to pledge

all or any part of the proceeds of such rates, fees and charges to the payment of any obligation of such political subdivision under such contract; and

(d) in its discretion, to submit to the qualified electors under the election laws applicable to such political subdivision any contract or agreement which such governing body is authorized to make and enter into with the Authority under the provisions of this Act; provided, however, that before any contract or agreement under subdivision (a) of this Section shall become effective as to a political subdivision such contract or agreement shall be submitted to and approved by a majority of the qualified electors voting at an election held under the election laws applicable to such political subdivision.

Sec. 14. Each private water company which is supplying water to the owners, lessees or tenants of real property which is or will be served by any sewer system of an Authority is authorized to act as the billing and collecting agent of the Authority for any rates, fees or charges imposed by the Authority for the services rendered by such sewer system. Any such company shall, if requested by an Authority, furnish to the Authority copies of its regular periodic meter reading and water consumption records and other pertinent data as may be required for the Authority to act as its own billing and collecting agent. The Authority shall pay to such water company the reasonable additional cost of clerical services and other expenses incurred by the water company in rendering such services to the Authority. The Authority shall by means of suitable measuring and recording devices and facilities record the quantity of water taken daily by it from any stream or reservoir and make monthly reports of such daily recordings to the Board of Water Commission of the State of North Carolina.

Sec. 15. Any political subdivision is hereby authorized to make contributions or advances to an Authority, from any moneys which may be available for such purpose, to provide for the preliminary expenses of such Authority in carrying out the provisions of this Act. Any such advances may be repaid to such political subdivisions from the proceeds of bonds issued by such Authority under this Act.

Sec. 16. This Act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of or as repealing any powers now existing under any other law, either general, special or local; provided, however, that the issuance of revenue bonds or revenue refunding bonds under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

Sec. 16½. Any riparian owner alleging an injury as a result of any act of an Authority created under this Act may maintain an action for relief against the acts of the Authority either in the county where the lands of such riparian owner lie or in the county in which the principal office of the Authority is maintained.

Sec. 17. All general, special or local laws, or parts thereof, inconsistent

herewith are hereby declared to be inapplicable to the provisions of this Act.

Sec. 18. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 19. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 870 CHAPTER 1196

AN ACT TO AMEND G. S. 24-2 PERMITTING PRIVATE CORPORATIONS TO BORROW MONEY AND EXECUTE NOTES AND CONTRACTS THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 24-2 by striking out the period at the end of the Section and inserting in lieu thereof a semicolon and adding the following:

"nor shall anything contained in this Section or in Sections 24-1 and 24-3 be held or construed to prohibit private corporations from making contracts, incurring liabilities, borrowing money and paying a charge therefor not exceeding six per centum (6%) of the original amount of the loan for each twelve (12) months of the duration of the same, notwithstanding that such loan is payable in installments."

Sec. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 892 CHAPTER 1197

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION TO STUDY AND MAKE A REPORT TO THE 1957 GENERAL ASSEMBLY CONCERNING THE SALT MARSH MOSQUITO PROBLEM IN EASTERN NORTH CAROLINA.

WHEREAS, the development of the boundless resources of year-round Coastal North Carolina is proceeding at a rapid pace, in spite of lack of adequate highway access and other disadvantages; and

WHEREAS, the greatest drawback in attracting business, industry and tourists to this year-around area is the menace of swarming Salt Marsh Mosquitoes (Aedes Sollicitans); and

WHEREAS, the Salt Marsh Mosquito, though not a proven vector of a pathogenic organisms, is a menace to public health, as its bite not only causes irritation and mental anguish, but frequently results in secondary

infections which persist for long periods and this is especially true among very young children; and

WHEREAS, this mosquito is a great menace to the farmer, his livestock and domestic animals, at times making it almost impossible to work in his fields or garden; and

WHEREAS, these Aedes Sollicitans can fly from 30 to 50 miles, making all local control futile, since any good breeze can bring in huge swarms from an uncontrolled neighboring county; and

WHEREAS, many coastal states have found it necessary and also most profitable to establish Salt Marsh Mosquito Study Commissions, provided with funds, and charged with the duty of mosquito control: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a commission to be known as "The Salt Marsh Mosquito Study Commission" to be composed of seven members, four of whom shall be appointed by the Governor, one of whom shall be appointed by the State Health Officer as a representative of the State Board of Health, one of whom shall be appointed by the Director of the Department of Conservation and Development as a representative of that department, and one shall be appointed by the Director of the Wildlife Resources Commission as a representative of that department. The members appointed by the State Health Officer, the Director of the Department of Conservation and Development, and the Director of the Wildlife Resources Commission shall serve ex officio as members of the Commission."

Sec. 2. It shall be the duty of the Commission to make a study of the Salt Marsh Mosquito problem in Eastern North Carolina, investigate the capacity of each county, town, and city to provide funds for control operations, and make a report of its findings, along with recommendations, to the Governor as soon as said report can be made available, to be transmitted by him to the next meeting of the General Assembly. The Commission is hereby empowered to employ the necessary professional, technical, and clerical personnel for carrying out this study.

Sec. 3. There is hereby appropriated out of the General Fund of the State the sum of fifteen thousand dollars ($15,000.00) to be used by the Commission to defray expenses incurred in accomplishing the purpose for which it is created.

Sec. 4. Members of the Commission shall receive the same per diem and travel allowance as that allowed officers and employees of the State while in the performance of their duties as members of the Commission.

Sec. 4½. When the report referred to in Section 2 has been filed with the Governor, the Governor and Council of State are authorized and empowered, in their discretion, to allocate, to such department or agency as they shall designate, from the Contingency and Emergency Fund, such amount or amounts as they shall find are reasonably necessary to provide for control of the said Salt Marsh Mosquitoes or other species of mosquitoes, such allocations to be made available only until the convening of the 1957 General Assembly.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 926 CHAPTER 1198

AN ACT TO REWRITE G. S. 14-20 RELATING TO DUELING.

The General Assembly of North Carolina do enact:

Section 1. Section 14-20 of the General Statutes is hereby amended by rewriting the same to read as follows:

"Sec. 14-20. Killing adversary in duel; aiders and abettors declared accessories.—If any persons fight a duel in consequence of a challenge sent or received, and either of the parties shall be killed, then the survivor, on conviction thereof, shall suffer death: Provided, if at the time of rendering its verdict in open court, the jury shall so recommend, the punishment shall be imprisonment for life in the State's prison, and the court shall so instruct the jury. All their aiders or abettors shall be considered accessories before the fact."

"Any person charged with killing an adversary in a duel may enter a plea of guilty to said charge in the same way and manner and under the conditions and restrictions set forth in G. S. 15-162.1 relating to pleas of guilty for first degree murder, first degree burglary, arson and rape."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 937 CHAPTER 1199

AN ACT TO AMEND G. S. 135-14, RELATING TO THE PENSIONS OF CERTAIN PUBLIC SCHOOL TEACHERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 135-14, as the same appears in the 1953 Supplement to the General Statutes, Volume 3B, is hereby amended by striking out the word "classroom", as the same appears in the first line of said Section.

Sec. 2. G. S. 135-14, as the same appears in the 1953 Supplement to the General Statutes, Volume 3B, is hereby amended by inserting, immediately after the semicolon appearing after the word "wife", and immediately before the word "provided", in the third line from the bottom of said Section, the following:

"or (3) irrespective of the eligibility conditions set forth above, designated as '(1)' and '(2)', such teacher, prior to the date of application for a

pension hereunder, has performed service as a teacher in the public schools of North Carolina for a total service period of twenty-five (25) years and was seventy (70) years of age or more on July 1, 1955, and is now unable to teach in said public schools."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1019 CHAPTER 1200

AN ACT CONTROLLING THE ADVERTISEMENTS AND PRACTICES OF MOTOR COURTS, TOURIST COURTS, TOURIST CAMPS AND TRAILER CAMPS.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm, or corporation, who owns, operates or who has control of the operation of any motor court, tourist court, tourist camp, or guest house to publish or cause to be displayed in writing, or by any other means, any advertisement which includes a statement relating to the rates or charges obtaining at such motor court, tourist court, tourist camp, or guest house, unless such advertisement shall, with equal prominence, contain additional data relating to such room rates, in the following particulars:

(a) Whether the rate advertised is for single or multiple occupancy of the room;

(b) The number of rooms or units in each price level where such advertisement indicates varying rates; and

(c) The dates or period of time during which such advertised rates are available.

Sec. 2. Any person, firm, or corporation, violating the provisions of this Act shall be guilty of a misdemeanor and shall, upon conviction, be punished as provided by law in the case of misdemeanors.

Sec. 3. This Act is declared to be supplemental in nature and shall not be construed to repeal any existing law relating to the operation of any motor court, tourist court, tourist camp, or guest house.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective thirty (30) days after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1035 **CHAPTER 1201**

AN ACT AUTHORIZING THE JOINT ACQUISITION, CONSTRUCTION, IMPROVEMENT, MAINTENANCE AND OPERATION OF WATER SUPPLY FACILITIES BY TWO OR MORE MUNICIPALITIES AND AUTHORIZING THE FINANCING OF SUCH FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. Any two or more municipalities in the State of North Carolina are hereby authorized to acquire lands and water rights along any stream, to the extent deemed by them necessary or convenient, for the purpose of constructing a dam or dams to impound the waters of such stream in a reservoir or reservoirs, and to construct dams and water storage reservoirs, and to maintain, improve and operate the same, jointly, either within or without the corporate limits of such municipalities or either of them, and further to acquire, construct, improve, maintain and operate intakes, mains, and all other facilities and property, deemed by such municipalities to be necessary and convenient for the purpose of furnishing water from such reservoirs to such municipalities and the inhabitants thereof, and to appropriate money therefor.

Sec. 2. Such municipalities may enter into such contracts or agreements, with each other or with other parties, as the governing bodies thereof shall deem appropriate with reference to the joint acquisition, construction, improvement, maintenance and operation of such water supply facilities, the apportionment of the cost thereof, and the division and withdrawal of water supplied or made available by such water supply facilities.

Sec. 3. Any municipality determining to acquire, construct or improve any water supply facilities jointly with any other municipality or municipalities under the authority of this Act is hereby granted the same authority to issue bonds for such acquisition, construction or improvement as is now given to any municipality under the General Laws of North Carolina.

Sec. 4. This Act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of or as repealing any powers now existing under any other law, either General, Special or Local.

Sec. 5. All General, Special or Local laws, or parts thereof, inconsistent herewith are hereby declared to be inapplicable to the provisions of this Act.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1043 **CHAPTER 1202**

AN ACT APPROPRIATING $20,000.00 FROM THE GENERAL FUND OF THE STATE TO PEMBROKE STATE COLLEGE TO HELP PROVIDE WATER AND SEWER FACILITIES FOR SAID COLLEGE.

WHEREAS, Pembroke State College is dependent upon the Town of Pembroke for water and sewer facilities; and

WHEREAS, the present water and sewer facilities are inadequate and if the Town of Pembroke is unable to increase said facilities, Pembroke State College will be compelled to install its own water and sewer system at great expense to the State of North Carolina; and

WHEREAS, the Town of Pembroke is willing to increase its facilities sufficiently to provide an adequate water supply and adequate sewer facilities during the foreseeable future provided said college will supply twenty thousand dollars ($20,000.00) for such purpose; and

WHEREAS, such an expenditure will be of great advantage to said college: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State the sum of twenty thousand dollars ($20,000.00) to Pembroke State College to be paid over to the Town of Pembroke for the purpose of providing adequate sewer facilities to Pembroke State College: Provided, however, that no part of such funds shall be paid to the Town of Pembroke until a contract between said town and Pembroke State College has been executed and approved as to form and content by the Attorney General of North Carolina, which contract shall provide that free sewage disposal service shall be furnished by said town to said college so long as said town shall continue as a municipal corporation and said college shall continue as a State-supported institution.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1068 **CHAPTER 1203**

AN ACT TO REWRITE G. S. 143-169 SO AS TO IMPLEMENT THE AUTHORITY OF THE GOVERNOR AND ATTORNEY GENERAL TO LIMIT THE SCOPE OF PUBLICATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-169 is hereby rewritten to read as follows:

"G. S. 143-169. Limitation on the scope of publications.—No report of any State department, institution or agency shall be printed without specific statutory authority or unless authorization has been obtained from the Governor and the Attorney General, in writing.

"The Governor and Attorney General may authorize, limit, and prescribe the form and number of copies to be printed.

"Every publication published at the public expense which makes use of the multicolor process is prohibited, except:

(1) In cases of scientific illustrations when the illustrations would be unintelligible if published in black and white;

(2) When the express approval of the Governor and the Attorney General is obtained;

(3) When the publication is a project of the Department of Conservation and Development in North Carolina, or is a part of the magazine entitled 'Wildlife in North Carolina', published under the auspices of the Wildlife Resources Commission."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1085 CHAPTER 1204

AN ACT TO AMEND G. S. 14-189 SO AS TO PROHIBIT THE POSSESSION OR SALE OF CERTAIN CRIME COMIC PUBLICATIONS IN THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-189 is amended by adding a new paragraph at the end thereof to read as follows:

"It shall be unlawful for any person, firm or corporation to possess for the purpose of sale or to sell any crime comic books or crime comic publications which through the medium of pictures portray mayhem, acts of sex or use of narcotics. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1100 **CHAPTER 1205**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ONSLOW COUNTY TO LICENSE AND REGULATE OR PROHIBIT THE OPERATION OF VAUDEVILLE SHOWS, CARNIVALS AND OTHER LIKE AMUSEMENTS IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Onslow County is authorized to license, regulate or prohibit the operation of vaudeville shows, carnivals and other like amusements in Onslow County.

Sec. 2. Any person, firm or corporation desiring to engage in the operation of any of the amusements set forth in Section 1 of this Act shall first apply for and obtain from the Board of County Commissioners of Onslow County a license for the privilege of engaging in such operation and shall pay for such license a tax of five hundred dollars ($500.00) for each week or fraction of each week in which such operation is carried on.

Sec. 3. All applications for a license to engage in the operation of any of the amusements set forth in Section 1 of this Act shall be accompanied by a corporate surety bond in the sum of five thousand dollars ($5000.00), executed by a corporate surety licensed under the laws of this State to execute such bonds, conditioned that the surety will upon demand forthwith make payment and satisfy any judgment which may be obtained against the principal on such bond in any court of this State arising out of operations in Onslow County of such vaudeville show, carnival or like amusement. The bond referred to herein shall be filed in the office of the Clerk to the Board of County Commissioners of Onslow County, and shall remain in effect for a period of sixty (60) days from and after the last day during which the licensee engages in the operation of any of the amusements for which he is licensed. In the event litigation shall be commenced within said sixty (60) day period arising out of operation of any such amusement in Onslow County said bond shall continue in force until such litigation shall be terminated and until any judgment against the principal shall have been satisfied and cancelled of record.

Sec. 4. The provisions of this Act shall not apply to agricultural or church or school fairs, carnivals or like amusements.

It is the purpose of this Act, and the same shall apply only to non-resident persons, associations or corporations who travel about from place to place conducting operating carnivals or other types of amusements described in this Act. Provided, that all carnivals, fairs and like amusements, regardless of by whom operated or sponsored, shall first obtain from the board of commissioners a license to engage in such operations.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1118 CHAPTER 1206

AN ACT TO EXTEND THE SUPPLEMENTARY PAYMENTS PROVIDED IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO THOSE MEMBERS RECEIVING DISABILITY RETIREMENT ALLOWANCES.

The General Assembly of North Carolina do enact:

Section 1. Amend subsection (1) of G. S. 135-18.2, as the same appears in the 1953 Cumulative Supplement of Volume 3B, by adding immediately after the word "service" and before the word "retirement", in the fifth line of said subsection (1), the words "or disability".

Further amend subsection (1) of G. S. 135-18.2, as the same appears in the 1953 Cumulative Supplement of Volume 3B, by adding immediately after the word "service" and before the word "retirement", in the seventh line of said subsection (1), the following: "or disability".

Further amend subsection (1) of G. S. 135-18.2, as the same appears in the 1953 Cumulative Supplement of Volume 3B, by striking out the words and figures: "subsection 2 of", as the same appears in the 10th line of said subsection (1).

Sec. 2. In addition to all other appropriations, there is hereby appropriated from the General Fund of the State Treasury the sum of thirty-five thousand dollars ($35,000.00) for each fiscal year of the biennium 1955-57, in order to carry out the purposes and objectives of this Act. Said appropriation shall become effective and made available on July 1, 1955.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect July 1, 1955.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1135 CHAPTER 1207

AN ACT TO AMEND THE NORTH CAROLINA UTILITIES COMMISSION PROCEDURE ACT OF 1949 TO ELIMINATE THE NECESSITY OF FILING PETITION FOR RE-HEARING ON APPEAL TO THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-26.6 is hereby changed and amended by striking out all of the language of said Section, and substituting in lieu thereof the following:

"G. S. 62-26.6 Right of Appeal; Filing of Exceptions. No party to a proceeding before the Commission may appeal from any final order or decision of the Commission unless within thirty (30) days after the entry of such final order or decision, or within such time thereafter as may be fixed by the Commission, by order made within such thirty (30) days, the party aggrieved by such decision or order shall file with the Commission notice of appeal which shall set forth specifically the ground or grounds

on which the aggrieved party considers said decision or order to be unlawful, unjust, unreasonable or unwarranted, and including errors alleged to have been committed by the Commission. The Commission shall within thirty (30) days transmit the entire record in the proceeding, or a copy thereof, certified under the seal of the Commission, to the Superior Court of the county agreed upon by the parties, or in the absence of such agreement, to the Superior Court of any county in which the business involved in the preceeding is conducted, or is proposed to be conducted, or in which the remedy or relief sought is to be applied or enforced, together with the notice of appeal; provided, however, the Commission may, on motion of any party to the proceeding or on its own motion, set the exceptions to the final order upon which such appeal is based for further hearing before the Commission. Any party may appeal from all or any portion of any final order or decision of the Commission in the manner herein provided. Copy of the notice of appeal shall be mailed by the appealing party at the time of filing with the Commission, to each party to the proceeding to the addresses as they appear in the files of the Commission in the proceeding. The failure of any party, other than the Commission, to be served with or to receive a copy of the notice of appeal shall not affect the validity or regularity of the appeal. The judge holding the court for the county to which the record is sent or the Resident Judge of the Judicial District embracing said county shall hear and determine all matters arising on such appeal, as in this Article provided, and may, in the exercise of discretion, remove the case to any other county. After final determination of the appeal, the Clerk of Superior Court shall return to the Commission such records as were transmitted by it to such court, together with a certified copy of the decision of the court.

Sec. 2. G. S. 62-26.9 is hereby amended by striking out the words, "except that no additional petition for re-hearing shall be required." at the end thereof, and by changing the comma at the beginning of said clause to a period.

Sec. 3. G. S. 62-26.10 is hereby amended by striking out the words, "in his petition for re-hearing by the Commission.", appearing in the third sentence of the last paragraph of said Section 62-26.10, and by substituting for said stricken words the following, "in his notice of appeal filed with the Commission."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after June 1, 1955.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1167 CHAPTER 1208

AN ACT TO AMEND G. S. 7-75 RELATING TO THE EXCHANGE OF COURTS BY SUPERIOR COURT JUDGES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-75 is hereby rewritten to read as follows:

"§7-75. Exchange of Courts. By consent of the Chief Justice the judges may exchange the courts of a particular county or counties; and the Judges Resident in the several divisions may exchange courts or circuits with the consent of the Chief Justice; but no judge shall hold all the courts in one district oftener than once every four years. When a judge shall die or resign, his successor shall hold the courts of the district allotted to his predecessor."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1175 CHAPTER 1209

AN ACT TO PROVIDE THAT PERSONS CHARGED WITH CERTAIN MOTOR VEHICLE VIOLATIONS IN FRANKLIN COUNTY MAY WAIVE APPEARANCE AND TENDER PLEA OF GUILTY.

The General Assembly of North Carolina do enact:

Section 1. Any person found violating the provisions of G. S. 20-129, G. S. 20-141, G. S. 20-141.1, G. S. 20-142, G. S. 20-143, G. S. 20-158 and G. S. 20-181, in Franklin County, is hereby authorized to appear before the Clerk of the Superior Court of Franklin County, a Deputy or Assistant Clerk of the Superior Court of Franklin County, and there execute a waiver of appearance authorizing the clerk or his deputy or assistant to tender a plea of guilty before the Judge of the Recorder's Court of Franklin County at the first session of such court for the trial of criminal cases held more than five days after the date of the execution of the said waiver. At the convening of the session of court, the Clerk of the Superior Court of Franklin County, who is ex officio Clerk of the Recorder's Court of Franklin County, or his deputy or assistant, shall present the waiver of appearance and tender of plea of guilty to the Judge of Recorder's Court of Franklin County, who is hereby authorized to enter judgment in accordance with the terms of the waiver and tendered plea of guilty: Provided, however, that the defendant, upon the posting of proper appearance bond, may, either in person or by attorney, at or before the convening of said session of Recorder's Court of Franklin County, revoke his waiver of appearance and tendered plea of guilty, and in the event of such action, the defendant shall be tried as any other defendant without prejudice, and his waiver of appearance and tendered plea of guilty shall not be competent evidence against him, and in the event of an acquittal

or nol pros in said court, the deposit made pursuant to this Act for the fine and costs shall be refunded. The defendant shall be furnished a duplicate copy of the waiver upon which shall appear a statement of his right to appear and revoke his waiver of appearance and tendered plea without prejudice and upon which shall also appear the provisions of Section 3 of this Act.

Sec. 2. The waiver of appearance and tendered plea of guilty provided for under this Act shall be printed on forms furnished at the expense of the county and the forms shall be subject to the approval of the Judge of the Recorder's Court of Franklin County.

Sec. 3. A verdict of guilty entered and a judgment rendered thereon pursuant to the execution of such a waiver and the tender of a plea of guilty shall constitute a conviction for all purposes, the same as if the defendant had personally appeared before the court and entered a plea of guilty.

Sec. 4. Nothing in this Act shall be construed to affect the requirements of law concerning issuance and service of warrants in criminal cases.

Sec. 5. The Judge of the Recorder's Court of Franklin County shall furnish the Clerk of the Superior Court of Franklin County with a list of fines to be imposed for the offenses included in this Act, and the Clerk of the Superior Court at the time of the execution of the waiver and tender of a plea of guilty shall require and receive from the person accused payment of the proper fine and lawful costs of court and shall issue a receipt therefor.

Sec. 6. It shall be the duty of the clerk and his deputy or assistant before whom shall be brought a defendant desiring to avail himself of the privileges of this Act to immediately provide the necessary forms for waiver of appearance and tender of plea of guilty and to receive the deposit for the fine and costs pursuant to this Act, irrespective of the day or hour.

Sec. 7. Where a waiver and tender of plea of guilty is executed, the clerk shall add seventy-five cents (75c) to the bill of costs now authorized by law, fifty cents (50c) of which shall be retained individually by the clerk or his deputy or assistant before whom the waiver is executed in addition to other fees or salaries received by him or her, and the other twenty-five cents (25c) shall be placed in the general fund of the county.

Sec. 8. The clerk shall forward to the defendant at the address furnished by the defendant an itemized statement of the disposition of the funds deposited by the defendant and a summary statement of the judgment of the court.

Sec. 8½. The Judge of the Recorder's Court of Franklin County shall have the right, in his discretion, to revoke and cancel the authority for waiver of appearance and tender of plea of guilty of any or all of the offenses hereinbefore specified, upon given written notice of such cancellation to the Clerk of Superior Court of Franklin County, and upon such action by the judge of recorder's court all persons charged with the offenses specified in the order of cancellation shall thereafter be tried in said recorder's court as other defendants.

Sec. 9. This Act shall apply only to Franklin County.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1191 CHAPTER 1210

AN ACT TO INCORPORATE THE TOWN OF STANFIELD, NORTH CAROLINA, IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. INCORPORATION AND CORPORATE POWERS. That the inhabitants of the Town of Stanfield, North Carolina, within the boundaries as established in Section 2 of this Charter, or as hereafter established in the manner provided by law, shall be a body politic and corporate by the name of Stanfield, and as such shall have all the rights, powers and privileges conferred upon municipal corporations by Chapter 160 of the General Statutes of North Carolina and the amendments thereto relating to municipal corporations.

Sec. 2. CORPORATE LIMITS. That the corporate limits of the Town of Stanfield shall be as follows:

Beginning at a point in the center of the public road leading from Stanfield to Midland where said road crosses Rock Hole Creek, and runs thence southward with said creek to the center of the road leading from the D. M. Dry place to the Love's Chapel Road; thence with the center of said road eastward to the Love's Chapel Road; thence due East to the center of Rock Hole Branch; thence up the center of said branch in a northward direction to the Jim Jenkins Spring; thence in a direct line in a northwest direction to a point in the center of State Highway #200, which point is exactly one mile North of the center line of the Big Lick-Midland Road, also known as Stanly Street, at Stanfield, measured along the center of Highway #200; thence due West to Rock Hole Creek; thence down the center of said creek to the beginning.

Sec. 3. MUNICIPAL GOVERNMENT. That the government of the Town of Stanfield shall be vested in a mayor and a board of five commissioners and such other officers as may be provided for in the Municipal Corporation Act of North Carolina. The mayor and board of commissioners shall be biennially elected by the qualified voters of the town, shall take such oaths of office as provided by law, and shall have such rights, powers, duties and responsibilities as provided in Article 2 of Chapter 160 of the General Statutes of North Carolina relating to municipal officers.

Sec. 4. APPOINTMENT OF MAYOR AND COMMISSIONERS. That I. H. Blair be, and he is hereby appointed Mayor of the Town of Stanfield and that Dowd Greene, Ralph L. Thomas, O. Y. Tucker, Roy L. Furr and Zeb Little be, and they are hereby appointed as Commissioners for the Town of Stanfield, to hold office until their successors are elected in the first biennial election to be held on Tuesday after the first Monday in May, 1957,

and thereafter until their successors so elected are qualified; that said mayor and board of commissioners, after taking and subscribing their respective oaths of office, shall have the right to elect a police officer for the Town of Stanfield and such other officials as may be necessary and provided for in the Municipal Corporation Act of North Carolina.

Sec. 5. POWERS OF POLICE OFFICER. That the police officer for the Town of Stanfield, if the board of commissioners sees fit to appoint such an officer, shall have full power and authority, upon proper warrant, to make arrests anywhere within one mile of the corporate limits for violations of the law committed within the corporate limits as said corporate limits are defined in Section 2 of this Charter.

Sec. 6. That if any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of this Charter. The provisions of this Charter shall supersede all laws and ordinances not consistent herewith insofar as the Town of Stanfield is affected thereby.

Sec. 6½. The incorporation of the Town of Stanfield, herein provided, and any and all other provisions in this Act, shall become effective upon the condition and subject to an election which shall be called prior to the first day of September, 1955, to be held in the territory hereinbefore described. As soon as practicable after the ratification of this Act the County Board of Elections of Stanly County shall call said election within the time above set forth and for which election there shall be a registration of the voters or qualified electors of said area hereinbefore described, and said election shall be held under the rules and regulations governing municipal elections, as set forth in Article 3 of Chapter 160 of the General Statutes, Volume 3C, as amended. The County Board of Elections of Stanly County is hereby authorized, directed and empowered to appoint the necessary judges, registrars, poll holders and appropriate election officials for the purpose of holding said election. The said election shall be advertised, as required by the law governing municipal elections, and the registration books shall be open for registration in such manner and for such period and at such times and places as are prescribed therefor in the law pertaining to municipal elections above referred to. At said election there shall be submitted to the qualified voters of the area proposed to be incorporated under the name of the Town of "Stanfield" the question as to whether the said area shall be so incorporated as heretofore provided in this Act, and those favoring such incorporation shall vote a ballot on which shall be written or printed the words "For Incorporation", and those against incorporation shall vote a ballot on which shall be written or printed the words "Against Incorporation". That if, at said election, a majority of the votes cast in said election shall be "For Incorporation", then the area hereinabove described shall be incorporated under the name of the Town of "Stanfield", and the mayor and board of commissioners hereinbefore designated, appointed and named in this Act shall proceed to exercise the powers and duties of a governing authority of a municipal corporation, as provided by this Act, and as provided by Chapter 160 of the General Statutes of North Carolina, as amended, relating to municipal

corporations, and the provisions of this Act shall be in full force and effect. If a majority of the votes cast in said election shall be "Against Incorporation", then this Act shall be null and void, of no effect, and no powers or duties or authority whatever shall be exercised under said Act.

Sec. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1205 CHAPTER 1211

AN ACT RELATING TO THE PURCHASE, TRANSPORATION, POSSESSION AND SALE OF ALCOHOLIC BEVERAGES AT INSTALLATIONS OPERATED BY OR FOR THE ARMED FORCES OF THE UNITED STATES.

The General Assembly of North Carolina do enact:

Section 1. Alcoholic beverages in quantities in excess of one gallon may be purchased by, transported to, possessed and sold by any open mess or officers' club at any installation located in any county in this State where alcoholic beverages may be legally sold or possessed, which installation is operated by or for any of the Armed Forces of the United States and where the possession, dispensing and sale of such alcoholic beverages is under the control and supervision of the department of the Armed Forces concerned; provided, however, that all such alcoholic beverages transported, possessed, dispensed or sold pursuant to this Act on the premises of any such installation shall be purchased at the retail alcoholic beverage control store of the county in which such installation is located at the full retail price prevailing at the time of such purchase. Transportation permits may be issued by the State Board of Alcoholic Beverage Control under regulations adopted pursuant to G. S. 18-49.2 for the transportation of alcoholic beverages in excess of one gallon from the alcoholic beverage control store of the county in which such installation is located, for delivery to the responsible officer of such installation operated by or for any of the Armed Forces of the United States. The provisions of this Act shall not be construed as to affect the source, or place of purchase, or the price paid for alcoholic beverages purchased, possessed, sold and dispensed by or at any open mess or officers' club or other facility located at or maintained at or by any of the Armed Forces of the United States at any place where jurisdiction has been ceded to or taken by the United States Government.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1237 CHAPTER 1212

AN ACT TO APPROPRIATE FUNDS FOR THE ADMINISTRATION OF THE TRUCKERS' USE FUEL ACT, AND TO PROVIDE FOR MORE EFFECTIVE INVESTIGATION OF HIGHWAY FUEL TAX REFUND REQUESTS.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other appropriations provided by law, there is hereby further appropriated out of the Highway and Public Works Fund of the State to the State Department of Motor Vehicles, in cooperation with the State Department of Revenue, for the expense of administering Senate Bill No. 324, entitled "An Act to Collect Fuel Tax From Commercial Vehicles That Now Travel North Carolina Highways While Using Fuel Purchased in Other States and From Which North Carolina Has Received No Highway Revenue", enacted by the 1955 Session of the General Assembly of North Carolina, the sum of forty-one thousand six hundred and nine-one dollars ($41,691.00) for the fiscal year beginning July 1, 1955, and ending June 30, 1956, and the sum of eighty-five thousand nine hundred and eighteen dollars ($85,918.00) for the fiscal year beginning July 1, 1956, and ending June 30, 1957.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1272 CHAPTER 1213

AN ACT TO AMEND CHAPTER 873 OF THE SESSION LAWS OF 1953 TO PROVIDE FOR THE TRANSFER OF FUNDS TO INCREASE THE APPROPRIATION FOR PURCHASE OF LAND BY THE BOARD OF PUBLIC BUILDINGS AND GROUNDS AS PROVIDED IN CHAPTER 1149 OF THE SESSION LAWS OF 1953.

WHEREAS, there is need to supplement the appropriation to the Board of Public Buildings and Grounds for the purchase of land as provided in Chapter 1149 of the Session Laws of 1953; and

WHEREAS, funds appropriated to the State Board of Public Buildings and Grounds for constructing public toilets on the Capitol grounds under the provisions of Chapter 873 of the Session Laws of 1953 are in excess of funds necessary for the execution of said project because of changed plans: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Director of the Budget is hereby authorized and empowered, subject to approval of the Advisory Budget Commission, to transfer funds not required for the projected construction of public toilets on the Capitol grounds under the provisions of Chapter 873 of the Session Laws of 1953 and to make the said excess funds available to the State

Board of Public Buildings and Grounds for the purpose of purchasing land as provided in Chapter 1149 of the Session Laws of 1953.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1279 CHAPTER 1214

AN ACT TO AMEND CHAPTER 1148 OF THE SESSION LAWS OF 1953 SO AS TO PROVIDE FOR THE TRANSFER OF FUNDS TO FINANCE PROJECTS NOT SPECIFIED IN SAID CHAPTER.

WHEREAS, funds appropriated for projects under the provisions of Chapter 1148 of the Session Laws of 1953 may be in excess of funds necessary for completion of these projects because of economies and changes: and

WHEREAS, projects for which no appropriations have heretofore been made may be considered essential to best serve the needs of the State mental institutions: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Amend Chapter 1148 of the Session Laws of 1953 by adding the following paragraph at the end of Section 2:

"Upon application of the North Carolina Hospitals Board of Control, the Director of the Budget, subject to the approval of the Advisory Budget Commission, is empowered to authorize the transfer of funds from one mental institution to another mental institution under the control of the said board to provide for projects for which no specific appropriations have heretofore been made."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1280 CHAPTER 1215

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO EXPEND FROM THE LITERARY FUND A SUM NOT EXCEEDING TWENTY THOUSAND DOLLARS FOR THE NEXT BIENNIUM FOR THE PURPOSES OF LOCATING AND MAPPING LANDS OWNED BY SAID BOARD.

The General Assembly of North Carolina do enact:

Section 1. Chapter 146 of the General Statutes is hereby amended by adding an additional Section to Article 9 of said Chapter, to be designated and to read as follows:

"G. S. 146-102. The State Board of Education is hereby authorized and

empowered to expend, from the Literary Fund, a sum not exceeding ten thousand dollars ($10,000.00) for each year of the next biennium for the purpose of employing such personnel and paying such incidental expenses as may be found by it to be necessary for the purpose of making complete studies of swamplands and other lands now owned by the State Board of Education and for the purpose of providing such surveys and other investigations as may be necessary to fully and adequately inform the State Board of Education as to the said lands in the various counties of the State. The purpose of said expenditures will be to enable the State Board of Education to build up complete and adequate files of information respecting the various tracts of swamplands and other lands now owned by the State Board of Education in any part of the State, and to protect the said lands against trespassers and wrongful action by others."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1293 CHAPTER 1216

AN ACT TO PROVIDE SUPPLEMENTAL FUNDS FOR THE MAINTENANCE OF INDIGENT PATIENTS IN TUBERCULOSIS HOSPITALS OPERATED BY WAKE, GUILFORD, FORSYTH AND MECKLENBURG COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other appropriations made by law, there is hereby appropriated out of the General Fund of the State to the Board of Directors of the North Carolina Tuberculosis Hospital System the amount of three hundred thousand dollars ($300,000) for the biennium beginning on July 1, 1955 to supplement payments otherwise provided by law to Wake, Guilford, Forsyth and Mecklenburg Counties for the care and treatment of indigent tubercular patients, and the Appropriation Act for the biennium 1955-1957 is hereby amended accordingly. The sum herein appropriated shall be allocated and disbursed as set forth in this Act.

Sec. 2. From the appropriation provided in this Act, there shall be paid to Wake, Guilford, Forsyth and Mecklenburg Counties sums sufficient to increase to four dollars ($4.00) per patient day the amounts paid by the State to said counties for each patient day for each medical indigent person receiving care and treatment for tuberculosis in the tubercular sanatoriums maintained by said counties. Said sums shall be paid by the disbursing officer of the State to the Board of Directors of the North Carolina Tuberculosis Hospital System quarterly and upon receipt of such information as may be required to substantiate the number of medical indigent persons hospitalized in the respective tubercular sanatoriums.

Sec. 3. If the tubercular sanatoriums of either Wake, Guilford, Forsyth or Mecklenburg Counties shall be taken over and operated by the Board of Directors of the State of North Carolina Tuberculosis Hospitals System or if the functions and duties of either of the sanatoriums of these counties shall be totally or partially absorbed by said Board of Directors or if the Director of the Budget finds that State appropriations and funds for the operation of the State tuberculosis hospitals shall, by reason of absorbing functions and duties of either of the sanatoriums of these counties, be insufficient to properly operate said State hospitals during the biennium commencing July 1, 1955, the Director of the Budget shall have the authority, in his discretion, to direct the State disbursing officer to pay the funds appropriated by this Act, or any remaining portion thereof, to the Board of Directors of the State of North Carolina Tuberculosis Hospitals System and the Board shall be authorized to expend said funds in the operation of the State tuberculosis hospitals.

Sec. 4. If the Board of Directors of the State of North Carolina Tuberculosis Hospitals System notifies one or more of the counties entitled to receive payments under this Act that one or more of the State tuberculosis hospitals can accommodate a patient or patients then receiving treatment in the county hospital and if the county or counties so notified fails or fail to release said patient or patients to the State tuberculosis hospital or hospitals so indicated, the Board of Directors of the State of North Carolina Tuberculosis Hospitals System shall immediately direct the State disbursing officer to cease making payments under this Act to the county or counties so failing and the disbursing officer shall thereupon so cease; provided, however, no county hospital shall, under the provisions of this Act, be denied the payments provided for in this Act for failure to release patients to the State hospitals when to do so would result in the particular county hospital having less than twenty patients in the hospital unless the State hospital or hospitals will receive all of the patients then in the county hospital.

Sec. 5. Wake, Guilford, Forsyth and Mecklenburg Counties are hereby authorized and empowered to transfer the ownership of their respective tubercular sanatoriums to the Board of Directors of the State of North Carolina Tuberculosis Hospitals System and to provide that said property shall revert to the respective county if the State does not operate said hospital as a tuberculosis hospital. The Board of Directors of the State of North Carolina Tuberculosis Hospitals System is hereby authorized and empowered to receive gifts of said county hospitals and to operate same with funds made available by the State of said board.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1299 CHAPTER 1217

AN ACT TO INCREASE THE FEES OF CERTAIN OFFICIALS OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All fees and commissions now fixed by law which may be charged by the Register of Deeds, the Clerk of the Superior Court, the Clerk of the Domestic Relations Court, the Clerks of all Recorder's Courts, the Sheriff and Jailer of Richmond County are hereby increased twenty per cent (20%). This twenty per cent (20%) increase will also apply to the jails in Hamlet and Ellerbe.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1312 CHAPTER 1218

AN ACT TO AUTHORIZE THE COUNTY OF DAVIDSON TO ERECT AND EQUIP A NEW COUNTY BUILDING AT THOMASVILLE, AND TO ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. The County of Davidson, through its Board of Commissioners, is hereby authorized and empowered to issue bonds of Davidson County for the purpose of erecting and equipping a county building at Thomasville to provide offices and facilities for a library and various departments, agencies and bureaus of the county and acquiring a site for the same. Said bonds shall be issued in accordance with the provisions of the County Finance Act, as amended, and the Local Government Act, as amended.

Sec. 2. The powers granted by this Act are granted in addition to and not in substitution for existing powers of said county.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1313 CHAPTER 1219

AN ACT TO REGULATE THE OPERATION OF MOTORBOATS AND OTHER CRAFT ON THE WATERS OF CATAWBA RIVER BETWEEN CATAWBA, IREDELL, ALEXANDER, CALDWELL AND BURKE COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. When used in this Act, the word "motorboat" includes crafts, temporarily or permanently equipped with detachable motors, commonly known as "outboard" motorboats.

Sec. 2. Every motorboat and every rowboat, canoe, sailboat, or other craft, whether mechanically or hand propelled, while being operated on the waters of Catawba River, between Catawba, Iredell, Alexander, Caldwell and Burke Counties, from the point at which Highway 321 crosses said river to the point at which Highway 150 crosses said river, shall carry for every person aboard such boat or craft a life preserver, life belt, or bouyant cushion.

Sec. 3. The following rules for the operation of boats on the waters of Catawba River between Catawba, Iredell, Alexander, Caldwell and Burke Counties, within the area heretofore defined, are hereby established.

a. Every person operating a boat shall at all times operate the same in a careful and prudent manner and at such a rate of speed as not to endanger the property of another or the life or limb of any person.

b. No motorboat shall be operated in a reckless manner. Reckless operation shall include operating a motorboat in a manner which unnecessarily interferes with the free and proper use of the waters of said river or unnecessarily endangers other craft therein, or the life or limb of any person.

c. No boat shall be operated during the hours of darkness without an adequate light carried where it is plainly visible from all directions.

Sec. 4. Every motor operated for the propulsion of a boat on the waters of the Catawba River, between Catawba, Iredell, Alexander, Caldwell and Burke Counties, within the area heretofore defined, must be equipped with a muffling device in good working order, sufficient to prevent excessive or unusual noise.

The provisions of this Section shall not apply to the operation of any motorboat between the hours of 8:00 o'clock A. M. and 7:30 o'clock P. M. on days when a race is held on said waters, under the auspices of a racing commission, chamber of commerce, or any civic association or boat racing organization sponsoring such race.

Sec. 5. Any person violating the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall be punished by fine of not more than fifty dollars ($50.00) or imprisonment for not more than thirty (30) days.

Sec. 6. It shall be the duty of the peace officers of Catawba, Iredell, Alexander, Caldwell and Burke Counties and wild life protectors of the State, to enforce the provisions of this Act.

Sec. 7. Nothing in this Act shall be construed to interfere with or limit in any manner the construction, maintenance or operation by the owner or owners of the hydroelectric power development located on the Catawba River within the area herein defined. The use or enjoyment of said Catawba River by any person, firm, or corporation for any purpose whatsoever other than by the owner or owners of said hydroelectric power development or of said Catawba River shall be deemed permissive, and no claim, right or demand of any kind whatsover shall be asserted against the owner or owners of said hydroelectric power development by reason of said use or enjoyment, irrespective of the length of time.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1314 CHAPTER 1220

AN ACT TO AMEND G. S. 53-77.1 RELATING TO SATURDAY CLOSING OF BANKS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 53 of the North Carolina General Statutes, entitled Banks, is hereby amended by inserting at the end of G. S. 53-77.1 a new paragraph to read as follows:

"All of the provisions of subsections (a), (b), and (c) of this Section shall apply to each city of this State now or hereafter having a population, according to the latest United States census, of thirty-nine thousand people or more, located in any county having two or more such cities therein. Any bank located in any such city which closes its offices located in the city on Saturday may also close any of its offices located outside the city but in the same county."

Sec. 2. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1318 CHAPTER 1221

AN ACT FIXING THE SALARIES OF THE MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Waynesville, as contained in Chapter 31, Private Laws of 1871, and various amendments thereto, is hereby amended as follows:

"Effective as of May 3rd 1955, the salary of each member of the Board of Aldermen of the Town of Waynesville shall be forty dollars ($40.00) per month, payable from the General Fund."

Sec. 2. All laws and clauses of laws, including Section 2 of Chapter 309, Session Laws of 1949, in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1336 **CHAPTER 1222**

AN ACT TO PROVIDE THAT PERSONS CHARGED WITH CERTAIN MOTOR VEHICLE VIOLATIONS IN FRANKLINTON, OR WITHIN TWO MILES OF THE CORPORATE LIMITS THEREOF, MAY WAIVE APPEARANCE AND TENDER PLEA OF GUILTY.

The General Assembly of North Carolina do enact:

Section 1. Any person found violating the provisions of G. S. 20-129, G. S. 20-141, G. S. 20-141.1, G. S. 20-142, G. S. 20-143, G. S. 20-158 and G. S. 20-181, within the territorial jurisdiction of the Mayor's Court of the Town of Franklinton, as the same is now or may hereafter be constituted by law, is hereby authorized to appear before the Town Clerk of the Town of Franklinton or any other person or persons who may be designated by the Mayor of Franklinton with the approval of the board of commissioners of said town, and there execute a waiver of appearance authorizing the town clerk or such other designated person to tender a plea of guilty before the mayor at the first session of such court for the trial of criminal cases held more than five days after the date of the execution of the said waiver, provided that if such other designated person should be the arresting officer or a witness in the case, he shall not serve in this capacity in such case. At the convening of the session of court, the town clerk, who also serves in the capacity of clerk of said mayor's court, or such other designated person, shall present the waiver of appearance and tender of plea of guilty to the mayor, who is hereby authorized to enter judgment in accordance with the terms of the waiver and tendered plea of guilty: Provided, however, that the defendant, upon the posting of proper appearance bond, may, either in person or by attorney, at or before the convening of said session of mayor's court, revoke his waiver of appearance and tendered plea of guilty, and in the event of such action, the defendant shall be tried as any other defendant without prejudice, and his waiver of appearance and tendered plea of guilty shall not be competent evidence against him, and in the event of an acquittal or nol pros in said court, the deposit made pursuant to this Act for the fine and costs shall be refunded. The defendant shall be furnished a duplicate copy of the waiver upon which shall appear a statement of his right to appear and revoke his waiver of appearance and tendered plea without prejudice, and upon which shall also appear the provisions of Section 3 of this Act.

Sec. 2. The waiver of appearance and tendered plea of guilty provided for under this Act shall be printed on forms furnished at the expense of the town and the forms shall be subject to the approval of the Mayor of Franklinton.

Sec. 3. A verdict of guilty entered and a judgment rendered thereon pursuant to the execution of such a waiver and the tender of a plea of guilty shall constitute a conviction for all purposes, the same as if the defendant had personally appeared before the court and entered a plea of guilty.

Sec. 4. Nothing in this Act shall be construed to affect the requirements of law concerning issuance and service of warrants in criminal cases.

Sec. 5. The mayor shall furnish the town clerk, and such other designated person, with a list of fines to be imposed for the offenses included in this Act, and the town clerk, or such other designated person, at the time of the execution of the waiver and tender of a plea of guilty shall require and receive from the person accused payment of the proper fine and lawful costs of court and shall issue a receipt therefor.

Sec. 6. It shall be the duty of the town clerk, or such other designated person, before whom shall be brought a defendant desiring to avail himself of the privileges of this Act to immediately provide the necessary forms for waiver of appearance and tender a plea of guilty and to receive the deposit for the fine and costs pursuant to this Act, irrespective of the day or hour.

Sec. 7. Where a waiver and tender of plea of guilty is executed, the clerk shall add seventy-five cents (75c) to the bill of costs now authorized by law, which shall be placed in the general fund of the town.

Sec. 8. The town clerk shall forward to the defendant at the address furnished by the defendant a statement of the disposition of the funds deposited by the defendant and a summary statement of the judgment of the court.

Sec. 8½. The mayor shall have the right, in his discretion, to revoke and cancel the authority for waiver of appearance and tender of plea of guilty of any or all of the offenses herein before specified, upon given written notice of such cancellation to the town clerk and such other designated person, and upon such action by the mayor all persons charged with the offenses specified in the order of cancellation shall thereafter be tried in said mayor's court as other defendants.

Sec. 9. The provisions of this Act shall apply only in the territorial limits of the jurisdiction of the Mayor's Court of the Town of Franklinton, in Franklin County.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1337 CHAPTER 1223

AN ACT TO AMEND ARTICLE 4 OF CHAPTER 47 OF THE GENERAL STATUTES SO AS TO VALIDATE THE REGISTRATION OF CERTAIN DEEDS AND OTHER INSTRUMENTS.

The General Assembly of North Carolina do enact:

Section 1. Article 4 of Chapter 47 of the General Statutes is amended by adding a new Section immediately following G. S. 47-54 to be designated as G. S. 47-54.1 and to read as follows:

"G. S. 47-54.1. All registrations of deeds and other instruments heretofore made by the several registers of deeds of the several counties of the State or by their deputies and clerks which are not signed by the register

of deeds, and when said registrations are in all other respects regular, are hereby validated and declared of the same force and effect as if signed by the register of deeds."

Sec. 2. This Act shall not affect pending litigation, and shall apply only to Montgomery County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1339 CHAPTER 1224

AN ACT TO AUTHORIZE THE STATE HIGHWAY PATROL TO USE SIRENS ON VEHICLES OPERATED FOR LAW ENFORCEMENT PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of Section 20-125 of the General Statutes is hereby amended by inserting immediately following the words "police department" in line one of the subsection the words "or by the State Highway Patrol".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1349 CHAPTER 1225

AN ACT TO ENABLE THE GOVERNING AUTHORITIES OF THE TOWN OF BURNSVILLE, NORTH CAROLINA, TO CONVEY PROPERTY AT PRIVATE SALE TO YANCEY COUNTY ON WHICH TO CONSTRUCT A HEALTH CENTER BUILDING.

WHEREAS, The Town of Burnsville, North Carolina, owns a parcel of land known as Camp Ray and which has not been developed and is not used for governmental purposes; and

WHEREAS, said property is suitable for a health center building which Yancey County is in need of; and

WHEREAS, if Yancey County obtains favorable consideration in the erection of a health center building it will be necessary to acquire a site within thirty (30) days: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Mayor and Board of Commissioners of the Town of Burnsville, North Carolina, are authorized and empowered to convey all or any portion of the property known as Camp Ray to the County of

Yancey or North Carolina State Board of Health without charge for the purpose of erecting on said property a health center building.

Sec. 2. The Mayor and Board of Commissioners of the Town of Burnsville, North Carolina, are authorized to convey the property mentioned in Section 1 above at private sale on which to construct a health center building and without publication of notice for thirty (30) days as provided by General Statutes of North Carolina, Section 160-59.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1353 CHAPTER 1226

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE COUNTY OF GATES TO EXPEND SURPLUS BALANCES OF CERTAIN FUNDS FOR THE ERECTION OF A COUNTY OFFICE BUILDING.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the County of Gates is hereby authorized to appropriate and expend all or any part of the unencumbered surplus balances at June 30, 1954, of the county debt service fund and of the school debt service fund of said county for the purpose of erecting and equipping a building and acquiring any site necessary therefor to provide offices and facilities for various departments, agencies and bureaus of the county.

Sec. 2. The powers granted by this Act shall be in addition to and not in substitution for the powers granted under any other law.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1360 CHAPTER 1227

AN ACT RELATING TO THE CIVIL JURISDICTION AND PROCEDURE OF THE RECORDERS COURT OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

Section 1. Section 28 of Chapter 209 of the Private Laws of 1907, as amended by Chapter 144 of the Private Laws of 1923 and as further amended by Chapter 140 of the Private Laws of 1925, is amended by striking out the period at the end of paragraph (2) thereof and by adding a comma and then the following:

"including the appointment of Commissioners to make judicial sales and proceedings incidental thereto."

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1383 CHAPTER 1228

AN ACT TO AMEND CERTAIN ACTS RELATING TO THE SCHOOLS OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND TO THE GOVERNING BODY THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Chapter 385, Session Laws, 1949, which Chapter is entitled, "An Act Relating to the Schools of the Greensboro City Administrative Unit and to the Governing Body Thereof", is hereby amended as follows:

(1) The words, "the governing body of the Greensboro City Administrative Unit", in Sec. 1.1(a) of Sec. 4 of said Act are hereby stricken out and the words, "The Greensboro City Board of Education", are inserted in lieu thereof.

(2) Sec. 2.1 of Sec. 4 of said Act is hereby repealed.

(3) The words, "the Board of Trustees of the Greensboro City Administrative Unit", where they occur in Sec. 6.7, Sec. 7.1, Sec. 7.3, and Sec. 9.5(b) of Sec. 4 of said Act are hereby stricken out, and the words, "The Greensboro City Board of Education", are inserted in lieu thereof.

(4) The words, "shall be subject to all of the provisions of, General Statutes 115-86," where they occur in Sec. 9.3 and Sec. 9.4 of Sec. 4 of said Act are hereby stricken out the words, "shall be subject to the applicable provisions of Chapter 115 of the General Statutes", are inserted in lieu thereof.

Sec. 2. Chapter 707, Session Laws, 1951, entitled, "An Act to Amend the Act Relating to the Schools of the Greensboro City Administrative Unit and to the Governing Body Thereof, Set Out in Chapter 385, Session Laws 1949, and as Amended by Chapter 968, Session Laws, 1949", is hereby amended by striking out the words "The Board of Trustees of the Greensboro City Administrative Unit", where they occur in Sec. 6.13, and Sec. 6.14 of Sec. 1 of said Act and in Sec. 7.4 of Sec. 2 of said Act and by inserting in lieu thereof the words "The Greensboro City Board of Education".

Sec. 3. Chapter 491, Session Laws, 1953, which Chapter is entitled, "An Act to Amend the Act Relating to the Schools of the Greensboro City Administrative Unit and to the Governing Body Thereof as Set Out in Chapter 385, Session Laws, 1949, and the Amendments Thereto", is hereby amended by striking out the words, "The Board of Trustees of the Greensboro City Administrative Unit", where they occur in Section 1 and Sec. 4 of Art. 14 as set out in Sec. 2 of said Act, and by inserting in lieu thereof the words "The Greensboro City Board of Education".

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. B. 1393 CHAPTER 1229

AN ACT TO AMEND G. S. 162-6, RELATING TO THE FEES OF THE SHERIFF OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 162-6 is amended by adding the following at the end thereof:

"In Robeson County the fees to be charged by the Sheriff for services rendered by him shall be as hereinafter set out:

Subpoena—Civil or Criminal	1.00
Summons	2.00
Attachment	3.00
Each Additional Defendant	2.00
Claim and Delivery	3.00
Each Additional Defendant	2.00
Execution, Demand and Levy on Each Defendant	2.00
Collection on Execution 5 per cent (5%) on first $500.00	
2½ per cent (2½%) on all over $500.00	
Summonsing and Qualifying Appraisers and all duties of sheriff in laying of homesteads and personal property exemptions	5.00
Each Appraiser in above	3.00
Serving Notices	2.00
Serving Orders	2.00
Posting Notices, Each	1.00

Sec. 2. When a fee to be charged for a service rendered by the Sheriff of Robeson County is not set forth or fixed herein, such fees shall be charged as is now provided by law.

Sec. 3. This Act shall apply only to Robeson County.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

NOTE: This Act is not effective until July 1, 1957.

S. B. 46 CHAPTER 1230

AN ACT TO INSERT A NEW CHAPTER IN THE GENERAL STATUTES DESIGNATED AS CHAPTER 55A PROVIDING FOR THE ORGANIZATION, OPERATION AND REGULATION OF NON-PROFIT CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. All provisions relating to non-profit corporations appearing in Chapter 55 of the General Statutes of North Carolina, as the same appears in Volume 2B and all supplements thereto, except as they apply to hospital service corporations regulated by Chapter 57, are hereby repealed and the following new Chapter, to be designated as Chapter 55A, is hereby inserted immediately following Chapter 55, and shall read as follows:

CHAPTER 55A
NON-PROFIT CORPORATION ACT

ARTICLE 1. General Provisions.

Sec. 55A-1. Title.—This Chapter shall be known and may be cited as the Non-Profit Corporation Act.

Sec. 55A-2. Definitions.—As used in this Chapter, unless the context otherwise requires, the term:

(1) "Corporation" or "domestic corporation" means a non-profit corporation subject to the provisions of this Chapter, except a foreign corporation.

(2) "Foreign corporation" means a non-profit corporation organized under laws other than the laws of this State.

(3) "Non-profit corporations" means a corporation intended to have no income or intended to have income none of which is distributable to its members, directors, or officers, and includes all marketing associations without capital stock formed under Chapter 54 of the General Statutes or under any Act or Acts replaced thereby.

(4) "Charter" includes the original articles of incorporation and all amendments thereto, including articles of merger.

(5) "Bylaws" means rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(6) "Member" means one having membership rights in a corporation in accordance with the provisions of its charter or bylaws.

(7) "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated.

(8) "Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its affairs.

Sec. 55A-3. Applicability of this Chapter.—(a) The provisions of this Chapter relating to domestic corporations shall apply to:

NOTE: This Act is not effective until July 1, 1957.

(1) All corporations hereafter organized under this Chapter.

(2) All non-profit corporations heretofore organized under any Act hereby repealed, except non-profit corporations having capital stock.

(3) All non-profit corporations without capital stock heretofore or hereafter organized under any other Act, unless there is some other specific statutory provision particularly applicable to such corporations or inconsistent with some provisions of this Chapter, in which case that other provision prevails. Nothing herein shall apply to hospital and medical service corporations regulated by Chapter 57 of the General Statutes or repeal or modify the provisions of G. S. 54-138.

(b) The provisions of this Chapter relating to foreign corporations shall apply to all such corporations conducting affairs in this State for purposes for which a corporation might be organized under this Chapter.

ARTICLE 2. Execution and Filing of Certain Corporate Documents.

Sec. 55A-4. Execution of Corporate Documents for Filing; Filing, Recording and Effectiveness.—(a) Whenever the provisions of this Chapter require any document relating to a corporation to be executed and filed in accordance with this Section, unless otherwise specifically stated in this Chapter:

(1) There shall be an original executed document and also one conformed copy.

(2) The said original document shall, if required to be executed by the corporation, be signed by the president or a vice president and also by the secretary or an assistant secretary, with or without the corporate seal. If required to be executed by designated individuals, each of them shall sign.

(3) Except where the provisions of this Chapter specifically require acknowledgment, the said original document shall be verified by each of the individuals signing, whether in a representative capacity or otherwise, by a statement under oath, made before and certified by an official who is authorized under the laws of this State to take acknowledgments, declaring that he signed the said document, that the statements therein are true, and, in the case of an individual who signed in a representative capacity, declaring the capacity in which he signed and that he was authorized so to sign.

(4) The conformed copy may either extend its conformation with the original document through all the verifications (or acknowledgments, as the case may be) or may in lieu of such extension contain the legend, after the names of the signers, substantially as follows:

"Original duly verified (acknowledged) by all signers."

(5) The original document so signed and verified (or acknowledged, as the case may be), together with the conformed copy, shall be delivered to the Secretary of State. Unless he finds that it does not conform to law, the Secretary of State shall, when the proper taxes and fees have

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been tendered, endorse upon the original the word "Filed" and the hour, day, month, and year of the filing thereof, and shall file the same in his office. The Secretary of State shall thereupon immediately compare the copy with the original and if he finds that they are identical he shall make upon the conformed copy the same endorsement which appears on the original and shall attach to the copy a certificate stating that attached thereto is a true copy of the document, designated by an appropriate title, filed in his office and showing the date of such filing. He shall thereupon return the copy so certified to the corporation or its representative.

(6) The copy, certified as aforesaid, shall be promptly delivered to the Clerk of Superior Court of the county wherein the corporation has its registered office, and, when the proper fees shall have been tendered, it shall be recorded and properly indexed in a book to be known as the Record of Incorporations. Promptly after recordation, the Clerk shall note the fact of recordation on the said copy and return it to the corporation or its representative.

(b) Any such document required to be filed shall be completely effective when filed by the Secretary of State and the transaction to be effectuated thereby shall thereupon be deemed as completely consummated as if all the required recording has been perfected and, unless otherwise provided in this Chapter with respect to some specific document, the failure to deliver it for recording in the office of the Clerk of Superior Court shall only subject the corporation to a fine of one hundred dollars ($100.00) to be collected by the Secretary of State.

(c) It shall be the duty of the Secretary of State, whenever so requested and upon tender of the proper fees, to certify as aforesaid any true copy of any such document on file in his office or, if such be the request, to make or cause to be made typewritten or photostatic copies of such documents and to certify the same as aforesaid.

ARTICLE 3. Formation, Name and Registered Office.

Sec. 55A-5. Purposes.—Non-profit corporations may be organized under this Chapter for any lawful purposes. Where by law special provisions are made for the organization of designated classes of non-profit corporations, such corporations shall be formed under those provisions and not hereunder.

Sec. 55A-6. Incorporators.—Three or more natural persons, whether or not residents of this State, of the age of 21 years or more may act as incorporators of a corporation by signing and acknowledging articles of incorporation, which shall be filed according to G. S. 55A-4. The acknowledgment shall be before an officer duly authorized under the laws of this State to take the proof or acknowledgment of deeds.

Sec. 55A-7. Articles of Incorporation.—(a) The articles of incorporation shall set forth:

(1) The name of the corporation.

(2) The period of duration, which may be perpetual.

(3) The purpose or purposes for which the corporation is organized.

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(4) If the corporation is to have no members, a statement to that effect.

(5) If the corporation is to have one or more classes of members, any provision which the incorporators elect to set forth in the articles of incorporation designating the class or classes of members and stating the qualifications and rights of the members of each class.

(6) If the directors or any of them are not to be elected or appointed by one or more classes of members, a statement of the manner in which such directors shall be elected or appointed, in which case provision may be made for their election by other designated associations, corporations or individuals or by any combination of the votes of such persons. In lieu thereof, the charter may provide that the method of election of directors be left to the bylaws.

(7) Any provisions, not inconsistent with law, which the incorporators elect to set forth in the charter (including, if desired, provisions with respect to the relative rights or interests of the members as among themselves or in the property of the corporation, the manner of termination of membership in the corporation, the rights, upon such termination, of the corporation, the terminated member and the remaining members, the transferability or non-transferability of memberships, and the distribution of assets on liquidation or for subordinating and subjecting the corporation to the authority of any head or national association, lodge, order, beneficial association, fraternal or beneficial society, foundation, federation or other non-profit corporation, society, organization or association).

(8) The address, including street and number, if any, of its initial registered office, which shall be in this State, and the name of its initial registered agent at such address.

(9) The number of directors constituting the initial board of directors, and the names and addresses, including street and number, if any, of the persons who are to serve as the initial directors.

(10) The name and address, including street and number, if any, of each incorporator.

(b) It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this Chapter.

Sec. 55A-8. Filing of Articles of Incorporation; effect.—Upon the filing of the articles of incorporation in the office of the Secretary of State the corporate existence shall begin, and a copy of the articles certified by the Secretary of State shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this Chapter, except as against this State in a proceeding to annul or revoke the articles of incorporation.

Sec. 55A-9. Organization Meeting of Directors.—After the filing of the articles of incorporation in the office of the Secretary of State an organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this State, at the call of

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a majority of the directors, for the purpose of adopting bylaws, electing officers and the transaction of such other business as may come before the meeting. The directors calling the meeting shall give at least three days notice thereof by mail to each director so named, which notice shall state the time and place of the meeting, unless notice is waived as hereinafter provided.

Sec. 55A-10. Corporate Name.—(a) The corporate name:

(1) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its charter.

(2) Shall not be the same as, or deceptively similar to, the name of any corporation, whether for profit or not for profit, existing under any law of this State, or any foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this State, or a corporate name reserved or registered as permitted by the laws of this State.

Sec. 55A-11. Registered Office and Registered Agent.—(a) Each corporation shall have and continuously maintain in this State:

(1) A registered office which may be, but need not be, the same as its principal office.

(2) A registered agent, which agent may be either an individual resident in this State whose business office is identical with such registered office, or a domestic corporation, whether for profit or not for profit, or a foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this State, having an office identical with such registered office.

(b) If any corporation has, prior to the effective date of this Chapter, filed with the Secretary of State a statement designating a principal office in this State and agent in charge thereof, and has continued to maintain the same, it shall not be required to, but it may designate a new registered office and agent as provided in G. S. 55A-12.

Sec. 55A-12. Change of Registered Office or Registered Agent.—(a) A corporation may change its registered office or its registered agent, or both. To effectuate such change, a statement shall be executed by the corporation and filed, in accordance with the provisions of G. S. 55A-4 setting forth:

(1) The name of the corporation.

(2) The address, including street and number, if any, of its then registered office.

(3) If the address of its registered office be changed, the address, including street and number, if any, to which the registered office is to be changed.

(4) The name of its then registered agent.

(5) If its registered agent be changed, the name of its successor registered agent.

(6) That the address of its registered office and the address of the office of its registered agent, as changed, will be identical.

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(7) That such change was authorized by resolution duly adopted by its board of directors.

(b) If the change in the registered office is to another county, a copy of such statement certified by the Secretary of State shall be recorded both in the old county and in the new county, and there shall also be recorded in the new county, in the manner prescribed by G. S. 55-4, a similarly certified copy of the corporation's charter.

(c) If the statement purporting to effectuate such changes is recorded in some but not in all the offices wherein recording is required by this Section, persons asserting claims against the corporation may treat as the registered agent or registered office of the corporation either the one newly designated in the statement or the pre-existing one.

(d) Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the Secretary of State, who shall forthwith mail a copy thereof to the corporation at its registered office, or, in the case of a foreign corporation, to the address of the principal office of the corporation in the state or country under the laws of which it is incorporated. The appointment of such agent shall terminate upon the expiration of 30 days after receipt of such notice by the Secretary of State.

Sec. 55A-13. Service of Process on Corporation.—(a) Service upon the registered agent appointed by a corporation of any process, notice or demand required or permitted by law to be served upon the corporation shall be binding upon the corporation.

(b) Whenever a corporation shall fail to appoint or maintain a registered agent in this State, or whenever its registered agent cannot with due diligence be found at the registered office, then the Secretary of State shall be an agent of such corporation upon whom any such process, notice or demand may be served. Service on the Secretary of State of any such process, notice or demand shall be made by delivering to and leaving with him, or with any clerk having charge of the corporation department of his office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the Secretary of State, he shall immediately cause one of the copies thereof to be forwarded by registered mail, addressed to the corporation at its registered office. Any such corporation so served shall be in court for all purposes from and after the date of such service on the Secretary of State.

(c) The Secretary of State shall keep a record of all processes, notices and demands served upon him under this Section, and shall record therein the time of such service and his action with reference thereto.

(d) Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

Sec. 55A-14. Bylaws.—The initial bylaws of a corporation shall be adopted by its board of directors. The power to alter, amend, or repeal the

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bylaws or adopt new bylaws shall be vested in the board of directors unless otherwise provided in the charter or the bylaws. The initial bylaws adopted by the directors or any bylaws adopted by the members may contain any provisions, not inconsistent with law or the charter, with respect to: Voting rights and the manner of conducting votes on any matter, the relative rights or interests of the members as among themselves or in the property of the corporation, the manner of termination of membership in the corporation, the rights, upon such termination, of the corporation, the terminated member and the remaining members, and the transferability or nontransferability of memberships. Any bylaws lawfully adopted may contain any additional provisions, not inconsistent with law or the charter, for the regulation and management of the affairs of the corporation, including any provision for penalties for violation of its rules.

ARTICLE 4. Powers and Management.

Sec. 55A-15. General Powers.—(a) Every corporation shall have power:

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its charter.

(2) To sue and be sued, complain and defend, in its corporate name.

(3) To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(4) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.

(5) To make and alter bylaws, not inconsistent with its charter or with the laws of this State, for the administration and regulation of the affairs of the corporation.

(6) If the charter so provides, to make donations for the public welfare or for charitable, scientific or educational purposes; and in time of war to make donations in aid of war activities.

(7) If the charter so provides, to lend money to its employees other than its officers and directors and otherwise to assist its employees, officers, and directors.

(8) Subject to any restrictions in the charter, to indemnify any director or officer or former director or officer of the corporation or any person who may have served at its request as a director or officer of another corporation, whether for profit or not for profit, against expenses actually and necessarily incurred by him in connection with the defense of any action, suit or proceeding in which he is made a party by reason of being or having been such director or officer, except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty; but such indemnification shall not be deemed exclusive of any other rights to which such director or officer may be entitled, under any bylaw, agreement, vote of board of directors or members, or otherwise.

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(9) To cease its corporate activities and surrender its corporate franchise.

(b) In connection with carrying out the purposes stated in its charter, and subject to any limitation prescribed by this Chapter or in its charter, every corporation shall also have power:

(1) To purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated.

(2) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(3) To acquire, by purchase, subscription, gift, will or otherwise, and to own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, domestic or foreign business corporations, associations, partnerships or individuals, or direct or indirect obligations of the United States or of any government, state, territory, governmental district or municipality or of any instrumentality thereof.

(4) To make contracts and incur liabilities, borrow money, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income.

(5) To procure for its benefit insurance on the life of any employee, including any officer, or, in case of a religious, educational, or charitable corporation, any sponsor, contributor, student, or former student, whose death might cause financial loss to the corporation, and to this end the corporation has an insurable interest in the lives of each of such persons.

(6) To lend money for its corporate purposes, invest its funds from time to time, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(7) To conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this Chapter anywhere in the world.

(8) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized.

Sec. 55A-16. Special Powers; Public Parks and Drives and Certain Recreational Corporations.—Any corporation heretofore or hereafter formed for the purpose of creating and maintaining public parks and drives shall have full power and authority to lay out, manage, and control parks and drives within the State, under such rules and regulations as the corporation may prescribe, and shall have power to purchase and hold property and take gifts or donations for such purpose. It may hold property and exercise such powers and trust for any town, city, township, or county, in connection with which said parks and drives shall be maintained. Any city, town, township, or county, holding such property, may vest and transfer the same to any such corporation for the purpose of controlling and maintaining the same as public parks and drives under such regulations and subject to such conditions as may be determined upon by such city, town, township, or county. All such lands as the corporation may acquire shall

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be held in trust as public parks and drives, and shall be held open to the public under such rules, laws, and regulations as the corporation may adopt through its board of directors, and it shall have power and authority to make and adopt all such laws and regulations as it may determine upon for the reasonable management of such parks and drives. All property owned by it and appropriated exclusively for public parks and drives shall not be subject to taxation. The terms "public parks and drives" as used in this Section shall be construed so as to include playgrounds, recreational centers, and other recreational activities and facilities which may be provided and established under the sponsorship of any county, city, town, township, or school district in North Carolina and constructed or established with the assistance of the Government of the United States or any agency thereof.

Sec. 55A-17. Defense of Ultra Vires.—(a) No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

(1) In any action by a member or a director against the corporation to enjoin the doing of any act or the transfer of real or personal property by or to the corporation, but in any such action the plaintiff shall sustain the burden of proof that he has not at any time prior thereto assented to the act or transfer in question and that in bringing the action he is not acting in collusion with officials of the corporation. If the unauthorized acts or transfer sought to be enjoined are being, or are to be, performed or made pursuant to any contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the action and if deemed equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or to the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as loss or damage sustained.

(2) In an action by the corporation or by its receiver, trustee or other legal representative, or by its members in a representative suit, against the incumbent or former officers or directors of the corporation.

(3) In an action by the Attorney General, to dissolve the corporation, or in an action by the Attorney General to enjoin the corporation from the transaction of unauthorized business, or in a proceeding by the Secretary of State to revoke a certificate of authority of a foreign corporation, pursuant to G. S. 55A-73.

Sec. 55A-18. Loans to Directors and Officers Prohibited.—No loans shall be made by a corporation to its directors or officers. The directors of a corporation who vote for or assent to the making of a loan to a director or officer of the corporation, and any officer or officers participating in the

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making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

Sec. 55A-19. Board of Directors.—The affairs of a corporation shall be managed by a board of directors. Directors need not be residents of this State or members of the corporation unless the charter or the bylaws so require. The charter or the bylaws may prescribe other qualifications for directors.

Sec. 55A-20. Number, Election, and Term of Directors.—(a) The number constituting the board of directors of a corporation shall be not less than three. The number shall be determined by the charter or bylaws, except that the number constituting the first board of directors shall be determined by the articles of incorporation. In the absence of a bylaw determining the number of directors, the number shall be the same as that stated in the charter.

(b) The number of directors may be increased or decreased from time to time only by amendment to the bylaws, unless the charter provides that a change in the number of directors shall be made only by amendment of the charter. No decrease in number shall have the effect of shortening the term of any incumbent director.

(c) The first board of directors shall consist of those named in the articles of incorporation. Thereafter, if the corporation has members, directors shall be elected by the members entitled to vote at the first annual meeting and at each subsequent annual meeting of the members. Such election may be by mail if the bylaws so provide. If the corporation does not have members or members entitled to vote, directors shall be elected or appointed in the manner and for the terms as provided in the bylaws. In the absence of a provision fixing the term of office, the term of office of a director shall be one year.

(d) Directors may be divided into classes and the terms of office of the several classes need not be uniform. Each director shall hold office for the term for which he is elected or appointed and until his successor shall have been elected or appointed and qualified.

(e) Election of directors by the members shall be by ballot unless the charter or the bylaws otherwise provide.

(f) A director may be removed from office pursuant to any procedure therefor set forth in a charter provision, including one adopted by amendment after he was elected or appointed as director.

Sec. 55A-21. Vacancies.—Any vacancy occurring in the board of directors and any directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors unless the charter or the bylaws provide that a vacancy or directorship so created shall be filled in some manner, in which case such provision shall control. A director elected or appointed, as the case may be, to fill a vacancy shall be elected or appointed for the unexpired term of his predecessor in office.

Sec. 55A-22. Quorum of Directors.—A majority of the number of directors fixed by the charter or bylaws, shall constitute a quorum for the trans-

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action of business unless otherwise provided in the charter or the bylaws; but in no event shall a quorum consist of less than one-third of the number of directors so fixed or stated. If the number of directors of a nonprofit corporation without members falls below the number necessary for a quorum, the remaining directors, however reduced in number, shall have authority to fill all vacancies in the board of directors. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by this Chapter, the charter, or the bylaws.

Sec. 55A-23. Committees.—If the charter or the bylaws so provide, the board of directors, by resolution adopted by a majority of the directors in office, may designate one or more committees each of which shall consist of two or more directors, which committees, to the extent provided in such resolution, in the charter or in the bylaws of the corporation, shall have and exercise the authority of the board of directors in the management of the corporation; but the designation of such committees and the delegation thereto of authority shall not operate to relieve the board of directors or any individual director of any responsibility or liability imposed upon it or him by law. Other committees not having and exercising the authority of the board of directors in the management of the corporation may be designated by a resolution adopted by a majority of the directors present at a meeting at which a quorum is present.

Sec. 55A-24. Place and Notice of Directors' Meeting.—(a) Meetings of the board of directors, regular or special, may be held either within or without this State, and upon such notice as the bylaws may prescribe.

(b) Unless the bylaws otherwise provide, special meetings of the board of directors may be called by the president or by any two directors.

(c) Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

(d) Unless the bylaws otherwise provide, neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or written waiver of notice of such meeting.

Sec. 55A-25. Officers.—(a) The officers of a corporation shall consist of a president, one or more vice presidents, a secretary, a treasurer and such other officers and assistant officers as may be deemed necessary, each of whom shall be elected or appointed at such time and in such manner, and for such terms not exceeding three years, as may be prescribed in the charter or the bylaws. In the absence of any such provision, all officers shall be elected or appointed annually by the board of directors. If the bylaws so provide, any two or more offices may be held by the same person, except the offices of president and secretary.

(b) The charter or the bylaws may provide that any one or more

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officers of the corporation shall be ex officio members of the board of directors.

(c) The officers of a corporation may be designated by such additional titles as may be provided in the charter or the bylaws.

Sec. 55A-26. Removal of Officers.—Any officer elected or appointed may be removed by the persons authorized to elect or appoint such officer whenever in their judgment the best interests of the corporation will be served thereby. The removal of an officer shall be without prejudice to the contract rights, if any, of the officer so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

Sec. 55A-27. Books and Records.—Each corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any of the authority of the board of directors. It shall keep at its registered office or principal office in this State a record of the names and addresses of its members entitled to vote and may keep all other books, records, and minutes without this State. All books and records of a corporation may be inspected by any member, or his agent or attorney, for any proper purpose at any reasonable time.

Sec. 55A-28. Shares of Stock and Dividends Prohibited.—A corporation shall not have or issue shares of stock. No dividend shall be paid and no part of the income of a corporation shall be distributed to its members, directors or officers. A corporation may pay compensation in a reasonable amount to its members, directors or officers for services rendered, may confer benefits upon its members in conformity with its purposes, and may make distributions upon dissolution or final liquidation as permitted by this Chapter.

ARTICLE 5. Members.

Sec. 55A-29. Members.—(a) A corporation may have one or more classes of members or may have no members. If the corporation has one or more classes of members, the designation of such class or classes and the qualifications and rights of the members of each class shall be set forth in the charter or in the initial bylaws adopted by the directors or in any bylaws adopted by the members. A corporation may issue certificates evidencing membership therein which may be transferable or nontransferable, as stated in the charter or bylaws.

(b) Unless the charter or bylaws contain provisions which adequately safeguard the property rights of expelled members, upon expulsion of a member who would be entitled to a distributive share of the corporation's assets upon its liquidation the corporation shall pay to the expelled member an amount equal to what the expelled member would receive if the corporation's assets were liquidated at the time of the expulsion. If the parties cannot agree upon this amount, each shall appoint an appraiser and those two appraisers shall appoint a third appraiser. The three appraisers shall, by majority action, after notice and hearing to both parties, determine the value of the expelled member's distributive share and

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the corporation shall immediately pay the amount thereof to the expelled member. If either party by registered letter addressed to the correct address of the other party requests in writing the appointment of appraisers and names the appraiser whom he appoints and indicates the amount which he believes to be the value of the expelled member's share, upon failure of the other party to appoint an appraiser within 30 days from receipt of, or refusal to receive the registered letter, the amount so indicated shall be the value of the share of the expelled members.

Sec. 55A-30. Meetings of Members.—(a) Meetings of members may be held at such place, either within or without this State, as may be provided in the bylaws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation in this State.

(b) An annual meeting of the members shall be held at such time as may be provided in the bylaws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.

(c) Special meetings of the members may be called by the president or by the board of directors. Special meetings of the members may also be called by such other officers or persons or number or proportion of members as may be provided in the charter or the bylaws. In the absence of a provision fixing the number or proportion of members entitled to call a meeting, a special meeting of members may be called by members having one-twentieth of the votes entitled to be cast at such meeting.

Sec. 55A-31. Notice of Members' Meetings.—Unless the charter or bylaws otherwise provide, written or printed notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than 50 days before the date of the meeting, either personally or by mail, by or at the direction of the president, or the secretary, or the officers or persons calling the meeting, to each member entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation, with postage thereon prepaid.

Sec. 55A-32. Voting.—(a) The right of the members, or any class or classes of members, to vote may be limited, enlarged or denied to the extent specified in the charter. Unless so limited, enlarged or denied, each member, regardless of class, shall be entitled to one vote on each matter submitted to a vote of members.

(b) A member may vote in person or, unless the charter or the bylaws otherwise provide, may vote by proxy executed in writing by the member or by his duly authorized attorney-in-fact. No proxy shall be valid after 11 months from the date of its execution, unless otherwise provided in the proxy. Where directors or officers are to be elected by members, the bylaws may provide that such elections may be conducted by mail.

(c) The charter or the bylaws may provide that in all elections for

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directors every member entitled to vote shall have the right to cumulate his vote and to give one candidate a number of votes equal to his vote multiplied by the number of directors to be elected, or by distributing such votes on the same principle among any number of such candidates.

Sec. 55A-33. Quorum.—The bylaws may provide the number or percentage of members entitled to vote represented in person or by proxy, or the number or percentage of votes represented in person or by proxy, which shall constitute a quorum at a meeting of members. In the absence of any such provision, members holding one-tenth of the votes entitled to be cast represented in person or by proxy shall constitute a quorum. The vote of a majority of the votes entitled to be cast by the members present or represented by proxy at a meeting at which a quorum is present, shall be necessary for the adoption of any matter voted upon by the members, unless a greater proportion is required by this Chapter, the charter or the bylaws.

ARTICLE 6. Fundamental Changes.

Sec. 55A-34. Right to Amend Charter.—A corporation may amend its charter from time to time in any and as many respects as may be desired, so long as its charter as amended contains only such provisions as are lawful under this Chapter.

Sec. 55A-35. Procedure to Amend Charter.—(a) Amendments to the charter shall be made in the following manner:

(1) Where there are members having voting rights, the board of directors shall adopt a resolution setting forth the proposed amendment, and, except as otherwise provided in this paragraph, directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this Chapter for the giving of notice of meetings of members. The proposed amendment shall be adopted upon receiving at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting.

(2) Where there are no members, or no members having voting rights, an amendment shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

(b) Any number of amendments may be submitted and voted upon at any one meeting.

Sec. 55A-36. Articles of Amendment.—The articles of amendment shall be executed by the corporation and filed as provided in 55A-4, and shall set forth:

(1) The name of the corporation.

(2) The amendment so adopted.

(3) Where there are members having voting rights a statement setting forth the date of the meeting of members at which the amendment was adopted, that a quorum was present at such meeting, and that such amend-

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ment received at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting.

(4) Where there are no members, or no members having voting rights, a statement of such fact, the date of the meeting of the board of directors at which the amendment was adopted, and a statement of the fact that such amendment received the vote of a majority of the directors in office.

Sec. 55A-37. Effect of Certificate of Amendment.—No amendment shall affect any existing cause of action in favor of or against such corporation, or its officers or directors, or any pending action to which such corporation, or its officers or directors, shall be a party, or the existing rights of persons other than members; and, in the event the corporate name shall be changed by amendment, no action brought by or against such corporation under its former name shall abate for that reason.

Sec. 55A-38. Procedure for Merger.—(a) Any two or more domestic corporations may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this Chapter.

(b) The board of directors of each corporation shall, by resolution adopted by each such board, approve a plan of merger setting forth:

(1) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(2) The name which the surviving corporation is to have, which name may be that of any of the corporations involved in the merger or any other available name permitted by this Chapter.

(3) The terms and conditions of the proposed merger.

(4) A statement of any changes in the charter of the surviving corporation to be effected by such merger.

(5) Such other provisions not inconsistent with law as are deemed necessary or desirable.

Sec. 55A-39. Procedure for Consolidation.—(a) Any two or more domestic corporations may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this Chapter.

(b) The board of directors of each corporation shall, by resolution adopted by each such board, approve a plan of consolidation setting forth:

(1) The names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation. The name of the new corporation may be that of any of the corporations involved in the consolidation or any other available name permitted by this Chapter.

(2) The terms and conditions of the proposed consolidation.

(3) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this Chapter, except the names and addresses of the incorporators.

(4) Such other provisions not inconsistent with law as are deemed necessary or desirable.

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Sec. 55A-40. Approval of Merger or Consolidation.—(a) A plan of merger or consolidation shall be adopted in the following manner:

(1) Where the members of any merging or consolidating corporation have voting rights, the board of directors of such corporation shall adopt a resolution approving the proposed plan, and, except as otherwise provided in this paragraph, directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed plan or a summary thereof shall be given to each member entitled to vote at such meeting within the time and in the manner provided in this Chapter for the giving of notice of meetings of members. The proposed plan shall be adopted upon receiving at least two-thirds of the votes entitled to be cast by members present or represented by proxy at each such meeting.

(2) Where any merging or consolidating corporation has no members, or no members having voting rights, a plan of merger or consolidation shall be adopted at a meeting of the board of directors of such corporation upon receiving the vote of a majority of the directors in office.

(b) After such approval, and at any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

Sec. 55A-41. Articles of Merger or Consolidation.—(a) Upon such approval, articles of merger or articles of consolidation shall be executed by each corporation and filed as provided in Section 55A-4, except that a copy thereof certified by the Secretary of State shall also be recorded in the office of the Clerk of Superior Court of each county wherein the constituent corporations have their registered offices.

(b) The articles of merger or consolidation shall set forth:

(1) The plan of merger or the plan of consolidation.

(2) Where the members of any merging or consolidating corporation have voting rights, then as to each such corporation, a statement setting forth the date of the meeting of members at which the plan was adopted, that a quorum was present at such meeting, and that such plan received at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting.

(3) Where any merging or consolidating corporation has no members, or no members having voting rights, then as to each such corporation a statement of such fact, the date of the meeting of the board of directors at which the plan was adopted and a statement of the fact that such plan received the vote of a majority of the directors in office.

(c) The time when the merger or consolidation is effected is determined by the provisions of G. S. 55A-4.

Sec. 55A-42. Effect of Merger or Consolidation.—When such merger or consolidation has been effected:

(1) The several corporations parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall

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be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation.

(2) The separate existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease.

(3) Such surviving or new corporation shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized under this Chapter.

(4) Such surviving or new corporation shall thereupon and thereafter, to the extent consistent with its charter as established or changed by the merger or consolidation, possess all the rights, privileges, immunities, and franchises, as well of a public as of a private nature, of each of the merging or consolidating corporations; and all property, real, personal, and mixed, and all debts due on whatever account, and all other choses in action, and all and every other interest, of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

(5) Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities, obligations, and penalties of each of the corporations so merged or consolidated; and any claim existing or action or proceeding, civil or criminal, pending by or against any of such corporations may be prosecuted as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place; and any judgments rendered against any of the merged or consolidated corporations may be enforced against the surviving or new corporation. Neither the rights of creditors nor any liens upon the property of any merged or consolidated corporations shall be impaired by such merger or consolidation.

(6) In the case of a merger, the charter of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its charter are stated in the plan of merger. In the case of a consolidation, the articles of consolidation shall be deemed to be the articles of incorporation of the new corporation.

Sec. 55A-43. Sale, Lease, Exchange, or Mortgage of Assets.—(a) A sale, lease, exchange, mortgage, pledge or other disposition of all, or substantially all, the property and assets of a corporation may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares of any corporation for profit, domestic or foreign, as may be authorized in the following manner:

(1) Where there are members having voting rights, the board of directors shall adopt a resolution recommending such sale, lease, exchange,

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mortgage, pledge or other disposition and directing that it be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the sale, lease, exchange, mortgage, pledge or other disposition of all, or substantially all, the property and assets of the corporation shall be given to each member entitled to vote at such meeting, within the time and in the manner provided by this Chapter for the giving of notice of meetings of members. At such meeting the members may authorize such sale, lease, exchange, mortgage, pledge or other disposition and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require the vote of at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting. After such authorization by a vote of members, the board of directors, nevertheless, may, if so empowered by such authorization of the members, abandon such sale, lease, exchange, mortgage, pledge or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by members.

(2) Where there are no members, or no members having voting rights, a sale, lease, exchange, mortgage, pledge or other disposition of all, or substantially all, the property and assets of a corporation shall be authorized upon receiving the vote of a majority of the directors in office.

ARTICLE 7. Dissolution and Liquidation.

Sec. 55A-44. Voluntary Dissolution.—(a) A corporation may dissolve and wind up its affairs in the following manner:

(1) Where there are members having voting rights, the board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation, shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this Chapter for the giving of notice of meetings of members. A resolution to dissolve the corporation shall be adopted upon receiving at least two-thirds of the votes entitled to be cast by members present or represented by proxy.

(2) Where there are no members, or no members having voting rights, the dissolution of the corporation shall be authorized at a meeting of the board of directors upon the adoption of a resolution to dissolve by the vote of a majority of the directors in office.

(b) Upon the adoption of such resolution by the members, or by the board of directors where there are no members or no members having voting rights, the corporation shall cease to conduct its affairs except insofar as may be necessary for the winding up thereof, shall immediately

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cause a notice of the proposed dissolution to be mailed to each known creditor of the corporation, and shall proceed to collect its assets and apply and distribute them as provided in this Chapter.

Sec. 55A-45. Distribution of Assets.—(a) The assets of a corporation in the process of dissolution shall be applied and distributed as follows:

(1) All liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision shall be made therefor;

(2) Assets held by the corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution, shall be returned, transferred or conveyed in accordance with such requirements;

(3) Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational or similar purposes, but not held upon a condition requiring return, transfer or conveyance by reason of the dissolution, shall be transferred or conveyed to one or more domestic or foreign corporations, societies, or organizations engaged in activities substantially similar to those of the dissolving corporation, pursuant to a plan of distribution adopted as provided in this Chapter;

(4) Other assets, if any, shall be distributed in accordance with the provisions of the charter or the bylaws to the extent that the charter or bylaws determine the distributive rights of members, or any class or classes of members, or provide for distribution to others;

(5) Any remaining assets may be distributed to such persons, societies, organizations or domestic or foreign corporations, whether for profit or not for profit, as may be specified in a plan of distribution adopted as provided in this Chapter.

Sec. 55A-46. Plan of Distribution.—(a) A plan providing for the distribution of assets, not inconsistent with the provisions of this Chapter, may be adopted by a corporation in the process of dissolution and shall be adopted by a corporation for the purpose of authorizing any transfer or conveyance of assets for which this Chapter requires a plan of distribution, in the following manner:

(1) Where there are members having voting rights, the board of directors shall adopt a resolution recommending a plan of distribution and directing the submission thereof to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice setting forth the proposed plan of distribution or a summary thereof shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this Chapter for the giving of notice of meetings of members. Such plan of distribution shall be adopted upon receiving at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting.

(2) Where there are no members, or no members having voting rights, a plan of distribution shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

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Sec. 55A-47. Revocation of Voluntary Dissolution Proceedings.—(a) A corporation may, at any time prior to the issuance of a certificate of dissolution by the Secretary of State, revoke the action theretofore taken to dissolve the corporation, in the following manner:

(1) Where there are members having voting rights, the board of directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked, and directing that the question of such revocation be submitted to a vote at a meeting of members having voting rights, which may be either an annual or a special meeting. Written or printed notice stating that the purpose, or one of the purposes of such meeting is to consider the advisability of revoking the voluntary dissolution proceedings, shall be given to each member entitled to vote at such meeting, within the time and in the manner provided in this Chapter for the giving of notice of meetings of members. A resolution to revoke the voluntary dissolution proceedings shall be adopted upon receiving at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting.

(2) Where there are no members having voting rights, a resolution to revoke the voluntary dissolution proceedings shall be adopted at a meeting of the board of directors upon receiving the vote of a majority of the directors in office.

(b) Upon the adoption of such resolution by the members, or by the board of directors where there are no members or no members having voting rights, the corporation may thereupon again conduct its affairs.

Sec. 55A-48. Articles of Dissolution.—(a) If the voluntary dissolution proceedings have not been revoked, then when all debts, liabilities and obligations of the corporation shall have been paid and discharged, or adequate provision shall have been made therefor, and all of the remaining property and assets of the corporation shall have been transferred, conveyed or distributed in accordance with the provisions of this Chapter, articles of dissolution shall be executed and filed in accordance with the provisions of 55A-4, setting forth:

(1) The name of the corporation.

(2) Where there are members having voting rights, a statement setting forth the date of the meeting of members at which the resolution to dissolve was adopted, that a quorum was present at such meeting, and that such resolution received at least two-thirds of the votes entitled to be cast by members present or represented by proxy at such meeting.

(3) Where there are no members, or no members having voting rights, a statement of such fact, the date of the meeting of the board of directors at which the resolution to dissolve was adopted and a statement of the fact that such resolution received the vote of a majority of the directors in office.

(4) That all debts, obligations, and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor.

(5) That all the remaining property and assets of the corporation have

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been transferred, conveyed or distributed in accordance with the provisions of this Chapter.

(6) That there are no suits pending against the corporation in any court, or that adequate provision has been made for the satisfaction of any judgment, order or decree which may be entered against it in any pending suit.

Sec. 55A-49. Effect of Filing of Articles of Dissolution; Certificate of Dissolution.—After the filing of articles of dissolution in the office of the Secretary of State he shall issue a certificate of dissolution and cause the same to be delivered to the corporation. Upon issuance of such certificate, the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporate action by members, directors and officers as provided in this Chapter.

Sec. 55A-50. Involuntary Dissolution in Action by Attorney General.—(a) A corporation may be dissolved involuntarily by a decree of the Superior Court in an action brought by the Attorney General in the name of the State when it is established that:

(1) The corporation procured its charter through fraud; or

(2) The corporation has, after written notice by the Attorney General given at least 20 days prior thereto, continued to exceed or abuse the authority conferred upon it by law, to the injury of the public, or of its members, creditors, or debtors; or

(3) The corporation has, after written notice by the Attorney General given at least 20 days prior thereto, failed for 30 days to appoint and maintain a registered agent in this State, as required by G. S. 55A-11; or

(4) The corporation has, after written notice by the Attorney General given at least 20 days prior thereto, failed for 30 days after change of its registered office or registered agent to file in the office of the Secretary of State a statement of such change, as required by G. S. 55A-12; or

(5) The corporation has without justification refused to comply with a final court order for the production of its books, records, or other documents as required to be kept by G. S. 55A-27.

Sec. 55A-51. Duties of the Attorney General with Respect to Actions for Involuntary Dissolution.—Whenever the Attorney General has reason to believe that any corporation has given cause for dissolution as provided in G. S. 55A-50 and the case involves the public interest, it is the duty of the Attorney General to bring an action under that Section. If the cause for dissolution does not involve the public interest, the Attorney General has a duty to bring an action if satisfactory security is given to indemnify the State against the costs and expenses to be incurred thereby.

Sec. 55A-52. Venue and Service of Process.—Every action by the Attorney General for the involuntary dissolution of a corporation shall be commenced in the Superior Court of the county in which the registered office of the corporation is situated. Summons shall issue and be served as in other civil actions.

Sec. 55A-53. Power of Court to Liquidate Assets and Affairs of Corpo-

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ration.—(a) The Superior Court shall have power to liquidate the assets and affairs of a corporation:

(1) In an action by a member or director when it is made to appear:

a. That the directors are deadlocked in the management of the corporate affairs and that irreparable injury to the corporation or the public is being suffered or is threatened by reason thereof, and either that the members are unable to break the deadlock or there are no members having voting rights; or

b. That the acts of the directors or those in control of the corporation are illegal, oppressive or fraudulent; or

c. That the corporate assets are being misapplied or wasted; or

d. That the corporation is unable to carry out its purposes.

(2) In an action by a creditor:

a. When the claim of the creditor has been reduced to judgment and an execution thereon has been returned unsatisfied; or

b. When the corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is insolvent.

(3) Upon application by a corporation to have its voluntary dissolution continued under the supervision of the court.

(4) When an action has been filed by the Attorney General to dissolve a corporation and it is established that liquidation of its affairs should precede the entry of a decree of dissolution.

(b) A court that has undertaken the liquidation of the assets and affairs of a corporation under subsection (a) of this Section may at any time enter a decree dissolving the corporation, and shall upon application of any interested party enter an order directing liquidation completed.

(c) Actions under this Section shall be brought in the county in which the registered office or the principal office of the corporation is situated.

(d) Summons shall issue and be served on the corporation as in other civil actions, and it shall not be necessary to make directors or members parties to any such action unless relief is sought against them personally.

(e) The Superior Court shall have power to liquidate the assets and affairs of a corporation in an action brought by the Attorney General under G. S. 55A-51.

Sec. 55A-54. Procedure in Liquidation of Corporation by Court.—In an action to liquidate the assets and affairs of a corporation, the court shall appoint receivers and the receivers so appointed shall have such powers and duties as are provided in Article 38, Chapter 1 of the General Statutes of North Carolina.

Sec. 55A-55. Discontinuance of Liquidation Action.—The liquidation of the assets and affairs of a corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists. In such event the court shall dismiss the action and direct the redelivery to the corporation of all its remaining property and assets, and shall decree cancellation of any prior dissolution.

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Sec. 55A-56. Duties of Officials as to Decrees and Orders Concerning Dissolution.—A court decree effecting or canceling a dissolution of a corporation or a court order declaring liquidation completed shall contain a direction to the clerk of that court promptly to file one certified copy of such decree or order with the Secretary of State and also to file a certified copy thereof with the Clerk of the Superior Court of the county wherein the corporation has its registered office, unless the decree or order was entered in that court. The fees for the preparation, certificates, and filing of such decree or order shall be taxed as a part of the costs in the action.

Sec. 55A-57. Disposition of Amounts Due Certain Creditors, Members, and Other Persons.—(a) Except as provided in subsection (b) of this Section upon liquidation of a corporation, the portion of the assets distributable to a creditor or member who is unknown or cannot be found shall be reduced to cash and deposited with the Clerk of Superior Court of the county of the registered office of the corporation to be held three months for the persons entitled thereto, as and when satisfactory evidence of his right to the same is furnished. After the clerk has held the unclaimed cash for the aforesaid period of three months, he shall pay such assets to the University of North Carolina, to be held without liability for profit or interest until a just claim therefor shall be preferred by the parties entitled thereto.

(b) In proceedings to liquidate the assets and affairs of a corporation, any asset held by the corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the dissolution or liquidation, shall be returned, transferred or conveyed in accordance with such requirements. If the donor or designated transferee cannot be found, then such asset shall be disposed of as provided in subsection (c) of this Section.

(c) In case of assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational or similar purposes, but not held upon a condition requiring return, transfer or conveyance by reason of the dissolution or liquidation, shall be transferred or conveyed to one or more domestic or foreign corporations, societies or organizations engaged in activities substantially similar to those of the dissolving or liquidating corporation, pursuant to a plan of distribution adopted as provided in this Chapter, or where no plan of distribution has been adopted, shall be transferred or conveyed to one or more domestic or foreign corporations, societies or organizations engaged in activities substantially similar to those of the dissolving or liquidating corporation as the court may direct.

ARTICLE 8. Foreign Corporations.

Sec. 55A-58. Right to Conduct Affairs.—(a) A foreign corporation shall procure a certificate of authority from the Secretary of State before it shall conduct affairs in this State. No foreign corporation shall be entitled to procure a certificate of authority under this Chapter to conduct in this State any affairs which a corporation organized under this Chapter is not permitted to conduct. A foreign corporation shall not be denied a

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certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this State.

(b) Without excluding other activities which may not constitute conducting affairs in this State, a foreign corporation shall not be considered to be conducting affairs in this State, for the purpose of this Chapter by reason of carrying on in this State any one or more of the following activities:

(1) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.

(2) Holding meetings of its directors or shareholders or carrying on other activities concerning its internal affairs.

(3) Maintaining bank accounts or borrowing money in this State, with or without security, even if such borrowings are repeated and continuous transactions.

(4) Making or investing in loans with or without security provided no related office or agency is maintained in this State.

(5) Taking security for or collecting debts due to it or enforcing any rights in property securing the same.

Sec. 55A-59. Powers of Foreign Corporation.—(a) A foreign corporation which shall have received a certificate of authority under this Chapter shall, until a certificate of revocation or of withdrawal shall have been issued as provided in this Chapter, enjoy the same, but not greater, rights and privileges as a domestic corporation organized for the purposes set forth in the application pursuant to which such certificate of authority is issued; and, except as in this Chapter otherwise provided, shall be subject to the same duties, restrictions, penalties, and liabilities now or hereafter imposed upon a domestic corporation of like character.

(b) A foreign corporation, however, is not eligible or entitled to qualify in this State as executor, administrator, or guardian, or as trustee under the will of any person domiciled in this State at the time of his death.

Sec. 55A-60. Corporate Name of Foreign Corporation.—(a) No certificate of authority shall be issued to a foreign corporation whose name contains any word or phrase which is likely to mislead the public or which indicates or imples that it is organized for any purpose other than one or more of the purposes contained in its charter.

(b) The corporate name shall not be the same as, or deceptively similar to, the name of any domestic corporation or any foreign corporation authorized to conduct affairs in this State, whether for profit or nonprofit, or a name the exclusive right to which is, at the time, reserved in the manner prescribed by law.

(c) Whenever a foreign corporation which is authorized to conduct affairs in this State shall change its name to one under which a certificate of authority would not be granted to it on application therefor, the certificate of authority of such corporation shall not be deemed to permit the

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use in its affairs in this State of the new name nor shall any new certificate of authority be granted to it under the new name.

Sec. 55A-61. Application for Certificate of Authority.—(a) A foreign corporation, in order to procure a certificate of authority to conduct affairs in this State, shall make application therefor to the Secretary of State, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) The date of incorporation and the period of duration of the corporation.

(3) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(4) The address of the proposed registered office of the corporation in this State, and the name of its proposed registered agent in this State at such address.

(5) The purpose or purposes of the corporation which it proposes to pursue in conducting its affairs in this State.

(6) The names and respective addresses of the directors and officers of the corporation.

(7) A statement that, in consideration of the issuance of a certificate of authority to conduct affairs in this State, the corporation appoints the Secretary of State of North Carolina as its agent to receive service of process, notice, or demand whenever the corporation fails to appoint or maintain a registered agent in this State, or whenever any such registered agent cannot with reasonable diligence be found at the registered office.

(b) Such application shall be executed by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of its officers signing such application.

Sec. 55A-62. Filing of Application and Certificate of Authority.—(a) The application of the corporation for a certificate of authority and one conformed copy thereof shall be delivered to the Secretary of State, together with one copy of its articles of incorporation and all amendments thereto, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated.

(b) If the Secretary of State finds that the application conforms to law he shall, when all taxes and fees have been tendered as in this Chapter prescribed:

(1) Endorse on each of such documents the word "filed" and the hour, day, month, and year of the filing thereof.

(2) File in his office the application and the copy of the articles of incorporation and amendments thereto.

(3) Issue a certificate of authority to conduct affairs in this State to which he shall affix the conformed copy of the application.

(4) Send to the corporation or its representative the certificate of authority, together with the conformed copy of the application affixed thereto.

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Sec. 55A-63. Effect of Certificate of Authority.—Upon the issuance of a certificate of authority by the Secretary of State, the corporation shall be authorized to conduct affairs in this State for those purposes set forth in its application, subject, however, to the right of this State to suspend or to revoke such authority.

Sec. 55A-64. Registered Office and Registered Agent of Foreign Corporation.—Each foreign corporation authorized to conduct affairs in this State shall establish and continuously maintain in this State:

(1) A registered office which may be, but need not be, the same as its principal office.

(2) A registered agent, which agent may be either an individual resident in this State whose business office is identical with such registered office, or a domestic corporation, whether for profit or not for profit, or a foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in this State, having an office identical with such registered office.

Sec. 55A-65. Change of Registered Office or Registered Agent of Foreign Corporation.—(a) A foreign corporation authorized to conduct affairs in this State may change its registered office or change its registered agent, or both, upon filing in the office of the Secretary of State a statement setting forth:

(1) The name of the corporation.

(2) The address, including street and number, if any, of its then registered office.

(3) If the address of its registered office be changed, the address, including street and number, if any, to which the registered office is to be changed.

(4) The name of its then registered agent.

(5) If its registered agent be changed, the name of its successor registered agent.

(6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

(b) Such statements shall be executed by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of its officers signing the statement.

(c) If the Secretary of State finds that such statement conforms to the provisions of this Chapter, he shall file such statement in his office, and upon such filing the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

Sec. 55A-66. Suits Against Foreign Corporations Authorized to Conduct Affairs in This State.—(a) The registered agent appointed by a foreign corporation authorized to conduct affairs in this State shall be an agent of such corporation upon whom any process, notice, or demand required or permitted by law to be served upon the corporation may be served.

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(b) Whenever a foreign corporation authorized to conduct affairs in this State shall fail to appoint or maintain a registered agent in this State, or whenever any such registered agent cannot with reasonable diligence be found at the registered office, then the Secretary of State shall be an agent of such corporation upon whom any process, notice or demand may be served.

(c) Service on any such agent may be made in a suit upon any cause of action, whether or not arising in this State or arising out of affairs conducted in this State, and whether or not the cause of action runs in favor of a resident of this State.

Sec. 55A-67. Suits Against Foreign Corporations Conducting Affairs in the State Without Authorization.—Whenever a foreign corporation shall conduct affairs in this State without first procuring a certificate of authority so to do from the Secretary of State or after its certificate of authority shall have been withdrawn, suspended, or revoked, then the Secretary of State shall be an agent of such corporation upon whom any process, notice, or demand in any suit upon a cause of action arising out of such affairs may be served.

Sec. 55A-68. Service on Foreign Corporation by Service on Secretary of State.—Service of any process, notice or demand on a foreign corporation by service on the Secretary of State shall be made as provided in G. S. 55-146 and the provisions of that Section shall apply to non-profit corporations.

Sec. 55A-69. Amendment to Charter of Foreign Corporation.—Whenever the charter of a foreign corporation authorized to conduct affairs in this State is amended, such foreign corporation shall, within 30 days after such amendment becomes effective, file in the office of the Secretary of State a copy of such amendment duly authenticated by the proper officer of the state or county under the laws of which it is incorporated; but the filing thereof shall not of itself amend its certificate of authority.

Sec. 55A-70. Merger of Foreign Corporation Authorized to Conduct Affairs in this State.—Whenever a foreign corporation authorized to conduct affairs in this State shall be a party to a statutory merger permitted by the laws of the state or country under which it is incorporated, and such corporation shall be the surviving corporation, it shall, within 30 days after such merger becomes effective, file with the Secretary of State a copy of the articles of merger duly authenticated by the proper officer of the state or country under the laws of which such statutory merger was effected. It shall not be necessary for such corporation to procure either a new or amended certificate of authority to conduct affairs in this State unless the name of such corporation be changed thereby or unless the corporation desires to pursue in this State other or additional purposes than those which it is then authorized to pursue in this State.

Sec. 55A-71. Amend Certificate of Authority.—(a) A foreign corporation authorized to conduct affairs in this State shall procure an amended certificate of authority in the event it changes its corporate name, or

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desires to pursue in this State other or additional purposes than those set forth in its prior application for a certificate of authority, by making application therefor to the Secretary of State.

(b) The requirements in respect to the form, the manner of its execution, the filing of the application and the conformed copy thereof, with the Secretary of State, the issuance of an amended certificate of authority and the effect thereof, shall be the same as in the case of an original application for a certificate of authority. The contents of such application need not be the same as in the case of an original application for a certificate of authority provided the application sets forth information as to the changes proposed.

Sec. 55A-72. Withdrawal of Foreign Corporation.—(a) A foreign corporation authorized to conduct affairs in this State may withdraw from this State upon procuring from the Secretary of State a certificate of withdrawal.

(b) In order to procure such certificate of withdrawal, such foreign corporation shall deliver to the Secretary of State an application for withdrawal, together with a conformed copy thereof, which shall set forth:

(1) The name and postoffice address of the principal office of the corporation and the state or country under the laws of which it is incorporated.

(2) That the corporation is not conducting affairs in this State.

(3) That the corporation surrenders its authority to conduct affairs in this State.

(4) That the corporation either continues its registered agent or revokes the authority of its registered agent in this State to accept service of process and consents that service of process in any action or proceeding based upon any cause of action arising in this State, or arising out of affairs conducted in this State, during the time the corporation was authorized to conduct affairs in this State may thereafter be made on such corporation by service thereof on the Secretary of State.

(5) If required by the Commissioner of Revenue, such additional information as may be necessary or appropriate in order to determine and assess any unpaid taxes and fees payable under the laws of this State.

(c) The application for withdrawal shall be on forms prescribed by the Secretary of State and shall be executed by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of its officers signing such application, or, if the corporation is in the hands of a receiver or trustee, shall be executed on behalf of the corporation by such receiver or trustee and verified by him.

(d) If the Secretary of State finds that such application conforms to law, he shall when notified by the Commissioner of Revenue that such corporation has met the requirements with respect to reports and taxes required by the Revenue Laws of this State:

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(1) Endorse on each of such documents the word "filed", and the hour, day, month, and year of the filing thereof.

(2) File the application in his office.

(3) Issue a certificate of withdrawal to which he shall affix the conformed copy.

(e) The certificate of withdrawal, together with the conformed copy of the application for withdrawal affixed thereto by the Secretary of State, shall be returned to the corporation or its representative. Upon the issuance of such certificate of withdrawal, the authority of the corporation to conduct affairs in this State shall cease.

Sec. 55A-73. Revocation of Certificate of Authority.—(a) The certificate of authority of a foreign corporation to conduct affairs in this State may be revoked by the Secretary of State upon the conditions prescribed in this Section when:

(1) The corporation has failed for a period of 30 days to establish and maintain a registered office as required by G. S. 55A-64; or

(2) The corporation has failed for a period of 30 days to appoint and maintain a registered agent in this State as required by G. S. 55A-64; or

(3) The corporation has failed for a period of 30 days after change of its registered office or registered agent to file in the office of the Secretary of State a statement of such change pursuant to G. S. 55A-65; or

(4) The corporation has failed to file in the office of the Secretary of State any amendment to its charter or any article of merger within the time prescribed by G. S. 55A-69 and G. S. 55A-70; or

(5) A willful misrepresentation has been made of any material matter in any application, report, affidavit, or other document submitted by such corporation pursuant to this Chapter; or

(6) The corporation has, without justification, refused to comply with a court order directing it to produce for inspection its books and records.

(7) The corporation is exceeding the authority conferred upon it by this Chapter.

(b) On the happening of any of the events set out in subsection (a) of this Section, the Secretary of State shall give not less than 20 days' written notice to the corporation that he intends to revoke the certificate of authority of such corporation for one of said causes, specifying the same. Such notice shall be given by mail duly addressed to the corporation at its registered office in this State and at its principal office outside the State, as shown by the records in the office of the Secretary of State. If, before the expiration of the time stated in the notice, the corporation establishes to the satisfaction of the Secretary of State the fact that the stated cause for the revocation of its certificate of authority did not exist as of the time the notice was mailed or, if it did exist at said time, has been cured, then the Secretary of State shall take no further action.

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Otherwise, on the expiration of the time stated in the notice, he shall revoke the certificate of authority.

(c) Nothing herein shall be deemed to repeal or modify any provision of the Revenue Act relating to the suspension of the certificate of authority of foreign corporations for failure to comply with the provisions thereof.

Sec. 55A-74. Issuance of Certificate of Revocation.—(a) To revoke any such certificate of authority, the Secretary of State shall:

(1) Issue a certificate of revocation in triplicate.

(2) File one of such certificates in his office.

(3) Mail one of such certificates to such corporation at its registered office in this State and one to the corporation at its principal office in the state or country under the laws of which it is incorporated, as shown by the records in the office of the Secretary of State.

(b) Upon the issuance of such certificate of revocation, the authority of the corporation to conduct affairs in this State shall cease.

Sec. 55A-75. Application of This Chapter to Foreign Corporations Heretofore Domesticated in This State.—(a) Subject to the provisions of subsection (d) of this Section, foreign corporations which have been duly domesticated in this State at the time this Chapter takes effect shall be entitled to all the rights and privileges applicable to foreign corporations procuring authority to conduct affairs in this State under this Chapter, and from the time this Chapter takes effect such corporations shall be subject to all the limitations, restrictions, liabilities, and duties prescribed herein for foreign corporations procuring under this Chapter authority to conduct affairs in this State.

(b) Except as provided in subsection (c) of this Section, such corporation shall, after this Chapter takes effect, designate a registered office and appoint a registered agent in the manner provided in this Chapter for change of registered office or registered agent.

(c) If any foreign corporation has, prior to the effective date of this Chapter, filed with the Secretary of State a statement designating a principal office within this State and agent in charge thereof, and has continued to maintain the same, it shall not be required to, but it may, designate a new registered office and agent as provided in subsection (b) of this Section.

(d) If there is no office and agent registered in the office of the Secretary of State then service of process may be made on the Secretary of State, as provided in G. S. 55A-68 when there is no registered agent, until such time as a registered office is designated and a registered agent appointed.

(e) No foreign corporation which has been domesticated under the provisions of prior Acts before this Chapter becomes effective shall hereafter have greater immunity from local jurisdiction than foreign corporations hereafter procuring a certificate of authority to conduct affairs in this State and, to this end, every such domesticated foreign corporation, by continuing as a domesticated corporation in this State, for a period of

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90 days after this Chapter becomes effective, shall be deemed to have expressly appointed the Secretary of State as its agent to receive service of process as fully as if it had made an application for a certificate of authority pursuant to the requirements of G. S. 55A-61.

Sec. 55A-76. Conducting Affairs Without Certificate of Authority.—(a) No foreign corporation conducting affairs in this State without permission obtained through a certificate of authority under this Chapter or through domestication under prior Acts shall be permitted to maintain any action or proceeding in any court of this State unless such corporation shall have obtained a certificate of authority prior to the trial; nor shall any action or proceeding be maintained in any court of this State by any successor or assignee of such corporation on any cause of action arising out of the conduct of affairs by such corporation in this State until (1) a certificate of authority shall have been obtained by such corporation or by a foregin corporation which has acquired substantially all of its assets, or (2) substantially all of its assets have been acquired by a domestic corporation or one or more individuals. An issue arising under this subsection must be raised by motion and determined by the trial judge prior to trial.

(b) The failure of a foreign corporation to obtain a certificate of authority to conduct affairs in this State shall not impair the validity of any contract or act of such corporation, and shall not prevent such corporation from defending any action or proceeding in any court of this State.

(c) A foreign corporation failing to obtain permission to conduct affairs in this State as required by this Chapter or by prior Acts then applicable shall be liable to the State for the years or parts thereof during which it conducted affairs in this State without such permission in an amount equal to all fees and taxes which would have been imposed by law upon such corporation had it duly applied for and received such permission plus interest and all penalties imposed by law for failure to pay such fees and taxes, plus five hundred dollars ($500.00) and costs. The Attorney General shall bring actions to recover all amounts due the State under the provisions of this Section.

(d) The Secretary of State is hereby directed to require that every foreign corporation conducting affairs in this State comply with the provisions of this Chapter. The Secretary of State is authorized to employ such assistants as shall be deemed necessary in his office for the purpose of enforcing the provisions of this Article and for making such investigations as shall be necessary to ascertain foreign corporations now conducting affairs in this State which may have failed to comply with the provisions of this Chapter.

ARTICLE 10. Miscellaneous Provisions.

Sec. 55A-79. Interrogatories by Secretary of State.—The Secretary of State may propound to any corporation, domestic or foreign, subject to the provisions of this Chapter, and to any officer or director thereof, such written interrogatories as may be reasonably necessary and proper to

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enable him to ascertain whether such corporation has complied with all the provisions of this Chapter applicable to such corporation. Such interrogatories shall be answered within 30 days after the mailing thereof, or within such additional time as shall be fixed by the Secretary of State, and the answers thereto shall be full and complete and shall be made in writing and under oath. If such interrogatories be directed to an individual they shall be answered by him, and if directed to a corporation they shall be answered by the president, vice president, secretary or assistant secretary thereof. The Secretary of State need not file any document to which such interrogatories relate until such interrogatories be answered as herein provided, and not then if the answers thereto disclose that such document is not in conformity with the provisions of this Chapter. The Secretary of State shall certify to the Attorney General, for such action as the Attorney General may deem appropriate, all interrogatories and answers thereto which disclose a violation of any of the provisions of this Chapter, requiring or permitting action by the Attorney General.

Sec. 55A-80. Penalties Imposed Upon Corporations, Officers and Directors for Failure to Answer Interrogatories.—(a) Each corporation, foreign or domestic, that fails or refuses to answer truthfully and fully within the time prescribed by this Chapter interrogatories propounded by the Secretary of State, in accordance with the provisions of this Chapter, shall be deemed to be guilty of a misdemeanor.

(b) Each officer and director of a corporation, domestic or foreign who fails or refuses within the time prescribed by this Chapter to answer truthfully and fully interrogatories propounded to him by the Secretary of State in accordance with the provisions of this Chapter, or who signs any articles, statement, report, application or other document filed with the Secretary of State which is known to such officer or director to be false in any material respect, shall be guilty of a misdemeanor.

Sec. 55A-81. Powers of Secretary of State.—The Secretary of State shall have the power and authority reasonably necessary to enable him to administer this Chapter efficiently and to perform the duties therein imposed upon him.

Sec. 55A-82. Certificates and Certified Copies to be Received in Evidence.—All certificates issued by the Secretary of State in accordance with the provisions of this Chapter, and all copies of documents filed in his office in accordance with the provisions of this Chapter when certified by him, shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the facts therein stated.

Sec. 55A-83. Forms of Documents Required to be Filed in the Office of the Secretary of State.—Any document required to be filed in the office of the Secretary of State shall be made in such form, if any, as may be prescribed by the Secretary of State pursuant to the provisions of this Chapter.

Sec. 55A-84. Photostatic Copies of Documents Acceptable for Filing or Recording.—When any document is required or permitted to be filed

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or recorded by this Chapter, a photostatic or other photographic copy of such document may be filed or recorded in lieu of the original instrument. Such filing or recording shall have the same force and effect as if the original instrument had been so filed or recorded.

Sec. 55A-85. Waiver of Notice.—Whenever any notice is required to be given to any member or director of a corporation under the provisions of this Chapter or under the provisions of the charter or bylaws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

Sec. 55A-86. Action by Members Without a Meeting.—(a) Any action required by this Chapter to be taken at a meeting of the members or directors of the corporation, or any action which may be taken at a meeting of the members or directors, or of a committee of directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members entitled to vote with respect to the subject matter thereof, or all of the directors, or all of the members of the committee of directors, as the case may be.

(b) Such consent shall have the same force and effect as a unanimous vote, and may be stated as such in any articles or document filed with the Secretary of State under this Chapter.

Sec. 55A-87. Reserve Power.—The General Assembly reserves the power to amend or repeal the charter of any corporation hereafter or heretofore formed and to amend or repeal this Chapter or any part thereof, and the rights of any corporation or any member, director or officer in any corporation are subject to this reservation. This Chapter, including this reservation, is a part of the charter contract between members. The power so reserved includes the power to authorize charter amendments which are to be effectuated pursuant to consent by the members in the manner permitted by this Chapter, as now enacted or as subsequently amended. No amendment or repeal of this Chapter or any part thereof shall impair any liability previously incurred.

Sec. 55A-88. Certain Religious, Etc., Associations Deemed Incorporated. In all cases where a religious, educational or charitable association has been formed prior to January first, one thousand eight hundred and ninety-four, and has since said date been acting as a corporation, exercising the powers and performing the duties of religious, educational or charitable corporations as prescribed by the laws of this State, then such association shall be conclusively presumed to have been duly and regularly organized and existing as a corporation under the laws of this State on January first, one thousand eight hundred and ninety-four, and all of its acts as a corporation from and after said date, if otherwise valid, are hereby declared to be valid corporate acts.

Sec. 55A-89. Cross References.—Whenever in this Chapter, as enacted or as hereafter amended, whether by enactment of additional provisions or otherwise, reference is made to a Section of this Chapter or of any other

NOTE: This Act is not effective until July 1, 1957.

Chapter of the Statutes of this State, such reference shall, unless otherwise provided, extend to and include any amendment of the Section so referred to or any Section hereafter enacted in lieu of the Section so referred to.

Sec. 55A-90. Effect of Invalidity of Part of this Chapter.—If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, subsection, Section or part of this Chapter, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this Chapter, but the effect thereof shall be confined to the clause, sentence, paragraph, subsection, Section or part of this Chapter so adjudged to be invalid or unconstitutional.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after July 1, 1957.

In the General Assembly read three times and ratified, this the 24th day of May, 1955.

S. B. 379 **CHAPTER 1231**

AN ACT TO AMEND SUBCHAPTER VIII OF CHAPTER 115 OF THE GENERAL STATUTES RELATING TO LOCAL TAX ELECTIONS FOR SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-186 or Sec. 2. of Article 14 of subchapter V of Committee Substitute for H. B. 177 ordered enrolled for ratification May 18, 1955, as the case may be is amended by adding at the end thereof the following:

"Provided, that in any school district having a total population of not less than one hundred thousand (100,000), said local annual tax that may be levied shall not exceed sixty cents (60c) on one hundred dollars ($100.00) valuation of said property."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1955.

S. B. 395 **CHAPTER 1232**

AN ACT TO DIRECT THE BOARD OF COUNTY COMMISSIONERS OF RICHMOND COUNTY TO HAVE THE OFFICIAL BOOKS AND RECORDS OF ALL COUNTY OFFICERS AUDITED AT LEAST ONCE A YEAR BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT WHO IS NOT A COUNTY OFFICIAL OR SALARIED EMPLOYEE OF THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Richmond County is directed immediately at the end of each fiscal year to employ an independent certified public accountant who is not a county official or salaried employee of Richmond County to make a complete audit and report of all the books and records of each county officer of said county. The cost of the audit prescribed by this Act shall be paid from the general fund of Richmond County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1955.

S. B. 486 **CHAPTER 1233**

AN ACT TO PROVIDE FOR VOLUNTARY INSPECTION OF POULTRY.

The General Assembly of North Carolina do enact:

Section 1. Short Title.—This Article shall be known as the North Carolina Voluntary Inspection of Poultry Law.

Sec. 2. Definitions.—The following words, terms, and phrases shall be construed for the purpose of this Article as follows:

A. "Commissioner" means Commissioner of Agriculture of North Carolina.

B. "Condition and wholesomeness" means the condition of any product and its healthfulness and fitness for human food.

C. "Poultry" means any kind of domesticated bird, including, but not being limited to chickens, turkeys, ducks, pigeons, geese, and guineas.

D. "Ready-to-cook poultry" means any dressed poultry from which the protruding pinfeathers, vestigial feathers (hair or down as the case may be), head, shanks, crop, oil gland, treachea, esophagus, entrails, reproductive organs and lungs have been removed, and with or without the giblets, is ready to cook without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry.

E. "Poultry products" means any giblets or any edible part of dressed poultry other than eviscerated poultry or any article of food for human consumption which is prepared in part from any edible portion of dressed poultry or from any product derived wholly from such edible portion.

F. "Inspector" means any person who is licensed or designated by the

State Supervisor of Poultry Inspection to inspect and certify the condition and wholesomeness of poultry and poultry products in accordance with the provisions of this Act or the rules and regulations made pursuant thereto.

G. "Identify" means to apply official identification to products or the container thereof.

H. "Official identification" means the symbol represented by a stamp, label, seal, or other device approved by the Commissioner and affixed to any product, or to any container thereto, stating that the product was inspected or graded or both.

I. "Official plant" means one or more buildings, or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Commissioner as suitable and adequate for processing poultry in accordance with the rules and regulations of the board.

J. "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

Sec. 3. Authority to Enter into Voluntary Agreements Providing for Inspection.—The Commissioner of Agriculture is hereby granted permission to enter into voluntary agreements with individuals, firms, or corporations operating poultry processing plants in this State in which dressed poultry is processed, cut up, or otherwise handled, for the purpose of establishing official inspection for ready-to-cook poultry and poultry products for condition and wholesomeness. The Commissioner is authorized to cooperate with other branches of the Government of the State of North Carolina, or the Secretary of Agriculture of the United States, if in his judgment such an agreement and arrangement for providing inspection service will meet the requirements of the North Carolina poultry industry.

Sec. 4. Rules and Regulations.—The Board of Agriculture is authorized to promulgate and adopt such reasonable rules and regulations as may be necessary to carry out the provisions of this Act. These rules and regulations shall include minimum requirements for plant facilities; processing methods and techniques; methods of determining the condition and wholesomeness of poultry, poultry products, or any edible parts thereof; and other administrative factors that may arise in administering this Act.

Sec. 5. Who Shall be Eligible for This Service.—Any person operating a processing plant in North Carolina in accordance with the provisions of this Act and the rules and regulations duly adopted by the Board of Agriculture shall be eligible for this service.

Sec. 6. Cost of Inspection.—The cost of this inspection service shall be borne by the person receiving this service. This cost shall include the salary or salaries of the inspector or inspectors assigned to the plant for the purpose of inspecting poultry and poultry products processed or otherwise handled therein. In addition, a reasonable administative charge may be added to the cost of this service.

Sec. 7. Payment of Inspection Costs.—The payment of inspection costs and other costs as provided in this Act shall be paid to the North Carolina Department of Agriculture.

Sec. 8. Plant Number.—Upon receiving an application from any person; and after it is determined that the plant, plant facilities, operating procedures and techniques in the plant in which inspection service is requested meets the provisions of this Act and the rules and regulations duly adopted by the Board of Agriculture, the Commissioner shall issue the applicant an official plant number for the particular plant or facility in which the service is requested.

Sec. 9. Identifying Officially Inspected Poultry, Poultry Products, and Edible Parts Thereof.—The Commissioner is hereby granted authority to issue, approve, or otherwise give permission for poultry, poultry products, and other edible parts to be officially identified with a stamp, label, or other device for all or part of any poultry processed in official plants. This identification shall include, but not be limited to, the official plant number.

Sec. 10. Inspection in Official Plants.—All dressed poultry that is eviscerated in an official plant where inspection service is maintained shall be processed in a sanitary manner. Dressed poultry may be eviscerated in such plants without inspections for condition and wholesomeness but uninspected and inspected operations may not be carried on simultaneously except in plants where processing rooms (including packing rooms) are separate or when by other acceptable means effective segregation of inspection and uninspected product is maintained.

Sec. 11. Supervision of Inspection Program.—The supervision of this inspection program shall be under the State Veterinarian or person designated by the Commissioner or under the State Veterinarian or the person designated by the Commissioner in cooperation with the supervisor of the inspection program of the United States Department of Agriculture in the event a cooperative arrangement is carried on between the North Carolina Department of Agriculture and the United States Department of Agriculture.

Sec. 12. Who Shall Inspect Poultry.—The State Veterinarian or person designated by the Commissioner shall have the authority to license, designate, or otherwise determine qualified personnel who may inspect poultry as provided in this Act. These inspectors so designated shall have supervision over plant sanitation, inspection of poultry, and carrying out the rules and regulations adopted by the Board of Agriculture.

Sec. 13. Withdrawal of Service.—In the event any person having official inspection service in his plant, or plants, shall fail to abide by the provisions of this Act or the rules and regulations adopted by the Board of Agriculture or to terms in the agreement with the North Carolina Department of Agriculture providing for inspection service, the Commissioner shall have the right to withdraw this service. The Commissioner shall also have the authority to reinstate the service after compliance with the rules and regulations have been met. The agreement may also be terminated by the applicant by giving the Commissioner a thirty-day notice.

Sec. 13½. Exemptions.—The provisions of this Act shall not apply to any individual raising and processing poultry, ready-to-cook poultry or poultry products without the consent of such individual.

Sec. 14. Provisions Declared Severable.—If any provision of this Act

or the application thereto to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 15. Laws Repealed.—All laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 16. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1955.

S. B. 562 CHAPTER 1234

AN ACT TO APPOINT A DOG WARDEN FOR CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That J. L. Hall of Cherokee County be, and he is hereby, appointed Dog Warden of Cherokee County and shall exercise all the powers and duties of a county dog warden, as provided by Chapter 67 of the General Statutes, Volume 2B, as amended, and he is hereby authorized to do any and all other official acts as a dog warden as are authorized by the general laws of the State, or any public-local or private Act applicable to said position and duties.

Sec. 2. That the said J. L. Hall shall serve as Dog Warden of Cherokee County for a term of two years from and after the ratification of this Act and shall be paid a salary of one hundred fifty dollars ($150.00) per month; that in addition to said salary the said J. L. Hall as such dog warden shall be paid the sum of fifty dollars ($50.00) per month to use as expenses in the performance of his duties, provided, however, that the Board of County Commissioners of Cherokee County may, in their discretion, terminate the office of dog warden as provided for herein and upon such termination the salary and expense allowances herein provided for shall also terminate.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1955.

S. B. 565 CHAPTER 1235

AN ACT TO AMEND HOUSE BILL NO. 625, RATIFIED THE 7TH OF APRIL, 1955, RELATING TO THE PENSION FUND FOR MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. Subsection (e) of Section 1 of House Bill No. 625, ratified the 7th day of April, 1955, is amended to read as follows:

"(e) That in order to provide funds for the High Point Policemen's

Pension and Disability Fund herein set out, there shall be taxed in the bill of cost in all criminal cases wherein there is a conviction or a plea of guilty in the Municipal Court of the City of High Point a fee of one dollar ($1.00) to be known as the "Policemen's Pension and Disability Fund Fee", and the same shall be collected by the Clerk of Municipal Court of the City of High Point or in a case of appeal from said municipal court same shall be taxed in the bill of cost and collected by the clerk of court in which the case is finally determined and paid over to the Clerk of Municipal Court of the City of High Point, and all said money collected by the Clerk of Superior Court shall be paid over to the Clerk of Municipal Court of the City of High Point on the first day of each and every month. And there shall accompany such remittance a detailed and itemized statement of the cases in which said funds have been collected; the blank or statement to be made by the Clerk of Superior Court shall be furnished the said clerk by the board herein created. In all cases where the defendant is committed to the roads, the fee herein provided shall not be charged against said defendant where said defendant serves the sentence imposed by the court. Unclaimed, abandoned and lost property which has come lawfully into the possession of the police department, and weapons lawfully seized by any member of the police department, after being held by the department for ninety (90) days and then duly advertised, on the order of said commission, may be sold at public auction to the highest bidder, except that weapons and firearms may be sold only to licensed dealers in firearms, and the proceeds added to the fund herein created."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1955.

S. B. 583 CHAPTER 1236

AN ACT TO AMEND THE LAW RELATING TO AUTHORITY OF THE TAR RIVER PORT COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 593 of the Session Laws of 1951 is hereby amended by adding, after the end of subparagraph (b), defining the word "project", the following:

"The word 'project' shall also include the acquisition, construction, ownership and operation of barges and other types of freight carrying ships and vessels and shall also include the ownership, construction and operation of pipelines for the transmission of natural or artificial gas."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1955.

H. B. 135 **CHAPTER 1237**

AN ACT TO AMEND CHAPTER 576 SESSION LAWS OF 1951 RELATING TO THE DURHAM FIREMEN'S SUPPLEMENTAL RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Section 2 (c) of said Chapter 576, Session Laws of 1951, be and it is amended by striking out the second sentence of the second paragraph of said Section 2 (c), and inserting in lieu thereof the following words and figures:

"The said members of said board of trustees shall qualify by taking the oath of office not later than the first regular quarterly meeting of said board after the third Tuesday in May."

Sec. 2. Section 2 (g) of said Chapter 576, Sessions Laws of 1951, be and it is hereby amended by striking out of the first sentence of said subsection (g) the words, "within 10 days after his appointment," and inserting in lieu thereof the following language:

"Before taking part in any meetings or engaging in the consideration of any business or affairs of said board of trustees, and in all events not later than the first regular quarterly meeting of said board after the third Tuesday in May."

Sec. 3. Section 2 (p) of said Chapter 576, Session Laws of 1951, be and it is hereby amended by striking out the last sentence of said subsection (p) and rewriting the same to hereafter read as follows:

"The books of the system shall be audited by a certified public accountant each two years and also when a new treasurer is elected, and said report of such audit shall be presented at the second regular quarterly meeting of the year in which the audit is made or to any special meeting which may be called for that purpose."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1955.

H. B. 1240 **CHAPTER 1238**

AN ACT RELATING TO FEES OF THE SHERIFF OF BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The fees and expenses to be charged by the Sheriff of Brunswick County for services rendered by him shall be as hereinafter set out:

Subpeona—Civil	$ .50
Summons	2.00
Each additional defendant	1.00
Attachment	1.00

Claim and delivery	1.00
Execution, demand and levy on each defendant	1.00
Collection on execution 5% on first $500.00 2½% on all over $500.00	
Summonsing and qualifying appraisers and all duties of sheriff in laying off homesteads and personal property exemptions	2.00
Each appraiser in above	3.00

Serving notices or orders $1.00 per person. Provided that when a fee is not fixed herein such fee shall be charged as is now provided by law.

Sec. 2. The fees to be charged by the Register of Deeds of Brunswick County shall be the same as now provided by law, but the Board of Commissioners of Brunswick County are hereby authorized and empowered, in their discretion, to make such changes in the said fees of the register of deeds as they deem necessary.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1955.

S. B. 174 CHAPTER 1239

AN ACT TO PROVIDE THAT FOR INCOME TAX PURPOSES NO GAIN OR LOSS SHALL BE DEEMED TO ARISE FROM CERTAIN EXCHANGES OF PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. The provisions of Section 105-145 of the General Statutes of North Carolina are hereby amended by designating the present provisions of subsection 2, "2. (a)", and by adding to the subsection a new paragraph to be designated "(b)", and to read as follows:

"(b) No gain or loss shall be recognized when property is transferred to a corporation, the organization of which has been completed before such transfer, solely in exchange for stock or securities in such corporation if, immediately after such exchange, the person or persons making such transfer are in control of the corporation."

Sec. 2. The provisions of Section 105-145 of the General Statutes of North Carolina are hereby further amended by deleting therefrom paragraph (a) of subsection 3 and inserting in lieu thereof a new paragraph to be designated "3. (a)", and to read as follows:

"3. (a) No gain or loss to a stockholder shall be recognized when a corporation, which is a party to a reorganization, in pursuance of the plan of reorganization, and in exchange solely for its own stock or securities, or

without the transfer to it by or on account of its stockholders of any property, distributes to its stockholders stock or securities in one or more other corporations, each of which is also a party to the reorganization. No gain or loss to the holder of any security issued by a corporation shall be recognized when such corporation is a party to a reorganization and, in pursuance of the plan of reorganization and in exchange solely for securities issued by it, distributes to the holders of such securities stock or securities in one or more other corporations each of which is also a party to the reorganization."

Sec. 3. Section 105-145 of the General Statutes is hereby amended by adding to the end of the Section a new paragraph, to be numbered 5 and to read as follows:

"If a corporation distributes to a shareholder, with respect to its stock, or distributes to a security holder, in exchange for its securities, solely stock or securities of a corporation which it controls immediately before the distribution and if the distribution was not used principally as a device for the distribution of the earnings and profits of the distributing corporation or the controlled corporation or both, and as part of the distribution the distributing corporation distributes all of the stock and securities in the controlled corporation held by it immediately before the distribution or an amount of stock in the controlled corporation constituting control and if the distribution of the stock in the controlled corporation was not in pursuance of a plan having as one of its principal purposes the avoidance of income tax, then no gain or loss shall be recognized to, and no amount shall be includable in the income of, such shareholder or security holder on the receipt of such stock or securities."

Sec. 4. The provisions of this Act shall apply only to reorganizations, exchanges, distributions, and matters and things begun after July 1, 1955 and shall not apply to any such reorganizations, exchanges or distributions begun prior to July 1, 1955. With respect to such reorganizations, exchanges and distributions begun prior to July 1, 1955, the provisions of Section 105-145 of the General Statutes in force immediately prior to the effective date of this Act shall continue to remain in full force and effect.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 175 CHAPTER 1240

AN ACT PROVIDING THAT CHAPTER 118, SESSION LAWS OF 1953, RELATING TO THE ISSUANCE OF WARRANTS AND RECEIPTS BY JUSTICES OF THE PEACE, SHALL NO LONGER BE APPLICABLE TO MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this Act, the provisions of Chapter 118, Session Laws of 1953, relating to the issuance of

warrants and receipts, by Justices of the Peace of Caswell and Madison Counties, shall no longer be applicable to Madison County.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 393 CHAPTER 1241

AN ACT AMENDING CHAPTER 1213, SESSION LAWS OF 1953, WHICH AMENDS G. S. 14-269 RELATING TO THE DISPOSITION OF CONFISCATED PISTOLS OR GUNS IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 1213, Session Laws of 1953, which amends G. S. 14-269, be and the same is hereby amended by inserting after the word "County" in line seven of Section 1 thereof the following words: "for assignment to any law enforcement officer of Halifax County, authorized by law to carry a pistol, to be used by such officer in connection with his duties as a law enforcement officer. Provided, however, that any officer obtaining the use of a pistol or gun under the provision of this Section shall, upon the termination of his service or employment as a law enforcement officer of Halifax County, return the pistol or gun to the Clerk of Superior Court of Halifax County. The Clerk of Superior Court and the Sheriff of Halifax County, acting jointly, shall destroy any pistols or guns now held by the clerk, and which are not assigned under the provisons of this Act, within thirty (30) days after the ratification of this Act, and any pistols or guns confiscated hereafter and not so assigned shall be so destroyed within thirty (30) days after the confiscation of such pistol or gun.", and by deleting the words "for the purpose of being destroyed or used by the sheriff or his deputies in carrying out their law enforcement duties" as the same appear in said Section of said Chapter.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 424 **CHAPTER 1242**

AN ACT TO AMEND CHAPTER 1224 OF THE SESSION LAWS OF 1953 SO AS TO AUTHORIZE THE ALLOCATION OF FUNDS FROM THE CONTINGENCY AND EMERGENCY FUND TO DEFRAY NECESSARY EXPENSES OF THE NORTH CAROLINA COMMISSION ON EMPLOY THE PHYSICALLY HANDICAPPED.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 1224 of the Session Laws of 1953 is amended by striking out in the last line of said Section the words "nor shall they", and inserting in lieu thereof the words "they shall".

Sec. 2. The first sentence of Section 5 of Chapter 1224 of the Session Laws of 1953 is stricken out and the following is substituted in lieu thereof:

"The Governor, with the approval of the Council of State, is authorized to allocate from the Contingency and Emergency Fund to the North Carolina Commission on Employ the Physically Handicapped a sum not to exceed one thousand dollars ($1,000.00) for each year of the biennium 1955-1957 to be administered by the Commission to defray its necessary expenses."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 427 **CHAPTER 1243**

AN ACT TO PROVIDE FOR THE LICENSING OF MOTOR VEHICLE DEALERS, SALESMEN, MANUFACTURERS, DISTRIBUTORS, AND FACTORY REPRESENTATIVES, TO BE ADMINISTERED BY THE DEPARTMENT OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. The General Assembly finds and declares that the distribution of motor vehicles in the State of North Carolina vitally affects the general economy of the State and the public interest and public welfare, and in the exercise of its police power, it is necessary to regulate and license motor vehicle manufacturers, distributors, dealers, salesmen, and their representatives doing business in North Carolina, in order to prevent frauds, impositions and other abuses upon its citizens.

Sec. 2. Definitions. Unless the context otherwise requires, the following words and terms for the purpose of this Act, shall have the following meanings:

(a) "Motor Vehicle" means any motor propelled vehicle, trailer or semi-trailer, required to be registered under the laws of this State.

(1) "New Motor Vehicle" means a motor vehicle which has never been the subject of a sale other than between new motor vehicle dealers, or between manufacturer and dealer of the same franchise.

(2) "Used Motor Vehicle" means a motor vehicle other than described in paragraph (a) (1) above.

(b) "Motor Vehicle Dealer" and "Dealer" mean any person, firm, association, or corporation engaged in the business of selling, soliciting, or advertising the sale of motor vehicles.

The term "motor vehicle dealer" or "dealer" does not include:

(1) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court; or

(2) Public officers while performing their official duties; or

(3) Persons disposing of motor vehicles acquired for their own use and actually so used, when the same shall have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this Act; or

(4) Persons, firms or corporations who shall sell motor vehicles as an incident to their principal business but who are not engaged primarily in the selling of motor vehicles. This category includes finance companies who shall sell repossessed motor vehicles and insurance companies who sell motor vehicles to which they have taken title as an incident of payments made under policies of insurance and who do not maintain a used car lot or building with one or more employed motor vehicle salesmen.

(c) "New Motor Vehicle Dealer" means a motor vehicle dealer who buys, sells or exchanges, or offers or attempts to negotiate a sale or exchange of an interest in, or who is engaged, wholly or in part, in the business of selling, new or new and used motor vehicles.

(d) "Used Motor Vehicle Dealer" means a motor vehicle dealer who buys, sells or exchanges, or offers or attempts to negotiate a sale or exchange of an interest in, or who is engaged, wholly or in part, in the business of selling, used motor vehicles only.

(e) "Motor Vehicle Salesman" or "Salesman" means any person who is employed as a salesman by, or has an agreement with, a motor vehicle dealer, to sell or exchange motor vehicles.

(f) "Manufacturer" means any person, firm or corporation, resident or nonresident in this State, who manufactures or assembles motor vehicles.

(g) "Distributor" and "Wholesaler" means a person, resident or nonresident of this State, who sells or distributes motor vehicles to motor vehicle dealers in this State, or who maintains a distributor representative in this State.

(h) "Factory Branch" means a branch office, maintained for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising its representatives in this State.

(i) "Distributor Branch" means a branch office maintained by a distributor or wholesaler, for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising its representatives in this State.

(j) "Factory Representative" means a person employed by a person who manufactures or assembles motor vehicles, or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers, prospective dealers or representatives in this State.

(k) "Distributor Representative" means a person employed by a distributor or wholesaler, or by a distributor branch, for the purpose of making or promoting the sale of motor vehicles dealt in by it, or for supervising or contacting its dealers, prospective dealers, or representatives in this State.

(l) "Established Place of Business" means a salesroom in a permanent enclosed building or structure, at which a permanent business of bartering, trading and selling of motor vehicles will be carried on as such in good faith and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business at such place, and shall not mean tents, temporary stands, or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement, devoted principally to the business of a motor vehicle dealer, as herein defined.

(m) "Retail Installment Sale" means and includes every sale of one or more motor vehicles to a buyer for his use and not for resale, in which the price thereof is payable in one or more installments over a period of time and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under form of contract designated either as a conditional sale, bailment lease, chattel mortgage or otherwise.

(n) "Department" means Department of Motor Vehicles.

(o) "Commissioner" means Commissioner of Motor Vehicles.

(p) "Person" means any individual, co-partnership, firm, association, corporation, or combination of individuals of whatsoever form or character.

Sec. 3. Licenses Required. It shall be unlawful for any new motor vehicle dealer, used motor vehicle dealer, motor vehicle salesman, manufacturer, factory branch, distributor branch, factory or distributor representative, to engage in business as such in this State without first obtaining a license as provided in this Act. If any motor vehicle dealer acts as a motor vehicle salesman, he shall obtain a motor vehicle salesman's license in addition to a motor vehicle dealer's license. A salesman may have only one license, and such license shall show the name of the dealer or dealers employing him. A manufacturer or a factory branch or distributor or distributor branch, licensed as such, may also operate as a motor vehicle dealer without additional license.

Sec. 4. Licenses, Applications, Granting, Expiration.

(a) Application for license shall be made to the Department at such time, in such form, and contain such information as the Department shall require, and shall be accompanied by the required fee.

(b) The Department shall require in such application, or otherwise, information relating to matters set forth in Section 10 of this Act as grounds for the refusing of licenses, and to other pertinent matter commensurate with the safeguarding of the public interest, all of which shall be considered by the Department in determining the fitness of the applicant to engage in the business for which he seeks a license.

(c) All licenses that are granted shall expire unless sooner revoked or suspended, on June 30th of the year following date of issue.

(d) Supplemental licenses shall be issued for each place of business, operated or proposed to be operated by the licensee, that is not continguous to other premises for which a license is issued.

Sec. 5. License Fees. (a) The license fee for each fiscal year, or part thereof, shall be as follows:

(1) For motor vehicle dealers, distributors, and wholesalers, fifteen dollars ($15.00) for each principal place of business, plus five dollars ($5.00) for a supplementary license for each car lot not immediately adjacent thereto.

(2) For Manufacturers, fifty dollars ($50.00), and for each factory branch in this State, twenty dollars ($20.00),

(3) For motor vehicle salesmen, two dollars ($2.00),

(4) For factory representatives, or distributor branch representatives, two dollars ($2.00).

(5) Manufacturers, wholesalers, and distributors may operate as a motor vehicle dealer, without any additional fee or license.

(b) The fees and licenses collected under this Section shall be placed in a special fund to be designated the "Dealers'-Manufacturers' License Fund" and shall be used under the direction and supervision of the Assistant Director of the Budget for the administration of this Act. Provided, that nothing contained in this Section or in any other Section of this Act shall be construed as exempting any person of any license, tax or fee imposed by any other provision of the law.

Sec. 6. Office, Display of License, Advertising. (a) The licenses of new motor vehicle dealers, used motor vehicle dealers, manufacturers, factory branches, distributors, and distributor branches shall specify the location of each place of business or branch or other location occupied or to be occupied by the licensee in conducting his business as such, and the license or supplementary license issued therefor shall be conspiculously displayed on each of such premises. In the event any such location is changed, the Department shall endorse the change of location on the license, without charge.

(b) Each dealer shall keep a current list of his licensed salesmen, showing names, addresses, and serial numbers of their licenses, posted in a conspicuous place in each place of business.

(c) Whenever any licensee places an advertisement in any newspaper or publication, the type and serial number of license shall appear therein.

Sec. 7. License to be Carried. Every salesman, factory representative and distributor representative shall carry his license when engaged in his business, and shall display the same upon request. The license shall name his employer, and in the event of a change of employer, he shall immediately mail his license to the Department, which shall endorse such change on the license without charge.

Sec. 8. Use of Unimproved Lots and Premises. A licensed motor vehicle dealer may use vacant lots and premises for the sale and display of motor vehicles: Provided, that if such lots and premises are not immediately adjacent to the dealer's established place of business, a supplementary license shall be obtained for each lot or premises.

Sec. 9. Motor Vehicle Registration Plates. No motor vehicle dealer, unless licensed under this Act shall be entitled to receive or use any dealer's registration plates under the provisions of the motor vehicle laws of this State providing for the issuance of such plates.

Sec. 10. Grounds for Denying, Suspending or Revoking Licenses. A license may be denied, suspended or revoked on any one or more of the following grounds:

(1) Material mis-statement in application for license.

(2) Willful and intentional failure to comply with any provision of this Act or any lawful rule or regulation promulgated by the Department under this Act.

(3) Being a motor vehicle dealer, failure to have an established place of business as defined in this Act.

(4) Willfully defrauding any retail buyer, to the buyer's damage, or any other person in the conduct of the licensee's business.

(5) Employment of fraudulent devices, methods or practices in connection with compliance with the requirements under the laws of this State with respect to the retaking of motor vehicles under retail installment contracts and the redemption and resale of such motor vehicles.

(6) Having used unfair methods of competition or unfair deceptive acts or practices.

(7) Knowingly advertising by any means, any assertion, representation or statement of fact which is untrue, misleading or deceptive in any particular relating to the conduct of the business licensed or for which a license is sought.

(8) Knowingly advertising a used motor vehicle for sale as a new motor vehicle.

Sec. 11. Refusal of License; Notice; Hearing. The Department shall act upon all applications for a license within thirty (30) days after receipt thereof, by either granting or refusing the same. Any applicant denied a license shall, upon his written request filed within thirty (30) days, be given a hearing at such time and place as determined by the Commissioner, or person designated by him, all such hearings shall be public and shall be held with reasonable promptness. Any applicant denied a license for failure to comply with the definition of an established place of business, as defined in this Act, may not, nor shall any one else apply for a license for such premises, for which a license was denied, until the expiration of sixty (60) days from the date of the rejection of such application.

Sec. 12. Suspension, Revocation and Refusal to Renew Licenses. No license shall be suspended or revoked or denied, or renewal thereof refused, until a written notice of the complaint made has been furnished to the licensee against whom the same is directed, and a hearing thereon has been had before the Commissioner, or a person designated by him. At least ten (10) days' written notice of the time and place of such hearing shall be given to the licensee by registered mail to his last known address as shown on his license or other record of information in possession of the Department. At any such hearing, the licensee shall have the right to be heard personally or by counsel. After hearing, the Department shall have power

to suspend, revoke or refuse to renew the license in question. Immediate notice of any such action shall be given to the licensee in the manner herein provided in the case of notices of hearing.

Sec. 13. Complaints; Examination of Records. The Department may inspect the pertinent books, records, letters and contracts of a licensee relating to any written complaint made to him against such licensee.

Sec. 14. Insurance. It shall be unlawful for any dealer or salesman or any employee of any dealer, to coerce or offer anything of value to any purchaser of a motor vehicle to provide any type of insurance coverage on said motor vehicle. No dealer, salesman or representative of either shall accept any policy as collateral on any vehicle sold by him to secure an interest in such vehicle in any company not qualified under the insurance laws of this State: Provided, nothing in this Act shall prevent a dealer or his representative from requiring adequate insurance coverage on a motor vehicle which is the subject of an installment sale.

Sec. 15. Acts of Officers, Directors, Partners and Salesmen. (a) If a licensee is a co-partnership or a corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or partner of the co-partnership or corporation has committed any act or omitted any duty which would be cause for refusing, suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his salesmen while acting as his agent, if such licensee approved of or had knowledge of said acts or other similar acts and after such approval or knowledge retained the benefit, proceeds, profits, or advantages accruing from said acts or otherwise ratified said acts.

(b) Every licensee who is a manufacturer or a factory branch shall be responsible for the acts of any or all of its agents and representatives while acting in the conduct of said licensee's business whether or not such licensee approved, authorized, or had knowledge of such acts.

Sec. 16. Appeals from Actions of the Commissioner. Appeals from actions of the Commissioner shall be governed by the provisions of Article 33 of Chapter 143 of the General Statutes.

Sec. 17. Powers of the Commissioner. (a) The Commissioner shall promote the interests of the retail buyer of motor vehicles.

(b) The Commissioner shall have power to prevent unfair methods of competition and unfair or deceptive acts or practices.

(c) The Commissioner shall have the power in hearings arising under this Act to determine the place where they shall be held; to subpeona witnesses; to take depositions of witnesses; and to administer oaths.

(d) The Commissioner may, whenever he shall believe from evidence submitted him that any person has been or is violating any provision of this Act, in addition to any other remedy, bring an action in the name of the State against such person and any other persons concerned or in any way participating in, or about to participate in practices or acts so in violation, to enjoin such persons and such other persons from continuing the same.

Sec. 18. Rules and Regulations. The Commissioner may make such

rules and regulations, not inconsistent with the provisions of this Act, as he shall deem necessary or proper for the effective administration and enforcement of this Act, provided that a copy of such rules and regulations shall be mailed to each motor vehicle dealer licensee thirty (30) days prior to the effective date of such rules and regulations.

Sec. 19. Installment Sales. (a) Every retail installment sale shall be evidenced by an instrument in writing, which shall contain all the agreements of the parties and shall be signed by the buyer.

(b) Prior to or about the time of the delivery of the motor vehicle, the seller shall deliver to the buyer a written statement describing clearly the motor vehicle sold to the buyer, the cash sale price thereof, the cash paid down by the buyer, the amount credited the buyer for any trade-in and a description of the motor vehicle traded, the amount of the finance charge, the amount of any other charge specifying its purpose, the net balance due from the buyer, the terms of the payment of such net balance and a summary of any insurance protection to be effected.

Sec. 20. Installment Sales Contracts; Coercion of Retail Dealer by Manufacturer or Distributor Prohibited. (a) It shall be unlawful for any manufacturer, wholesaler or distributor, or any officer, agent or representative of either, to coerce, or attempt to coerce, any retail motor vehicle dealer or prospective retail motor vehicle dealer in this State to sell, assign or transfer any retail installment sales contract, obtained by such dealer in connection with the sale by him in this State of motor vehicles manufactured or sold by such manufacturer, wholesaler, or distributor, to a specified finance company or class of such companies, or to any other specified persons, by any of the acts or means hereinafter set forth, namely:

(1) By any statement, suggestion, promise or threat that such manufacturer, wholesaler, or distributor will in any manner benefit or injure such dealer, whether such statement, suggestion, threat or promise is expressed or implied, or made directly or indirectly,

(2) By any act that will benefit or injure such dealer,

(3) By any contract, or any expressed or implied offer of contract, made directly or indirectly to such dealer, for handling motor vehicles, on the condition that such dealer sell, assign or transfer his retail installment sales contract thereon, in this State, to a specified finance company or class of such companies, or to any other specified person,

(4) By any expressed or implied statement or representation, made directly or indirectly, that such dealer is under any obligation whatsoever to sell, assign or transfer any of his retail sales contracts, in this State, on motor vehicles manufactured or sold by such manufacturer, wholesaler, or distributor to such finance company, or class of companies, or other specified person, because of any relationship or affiliation between such manufacturer, wholesaler, or distributor and such finance company or companies or such other specified person or persons.

(b) Any such statements, threats, promises, acts, contracts, or offers of contracts, when the effect thereof may be to lessen or eliminate competition, or tend to create a monopoly, are declared unfair trade practices

and unfair methods of competition and against the public policy of this State, are unlawful and are hereby prohibited.

Sec. 21. Coercion of Dealers; Cancellation of Dealer Franchise. It shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative whatsoever of any of them:

(1) To coerce, or attempt to coerce any dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities, which shall not have been ordered by such dealer,

(2) To coerce, or attempt to coerce any dealer to enter into any agreement with such manufacturer, factory branch, distributor, or distributor branch, or representative thereof, or do any other act unfair to such dealer, by threatening to cancel any franchise existing between such manufacturer, factory branch, distributor, distributor branch, or representative thereof, and such dealer,

(3) Unfairly, without due regard to the equities of the dealer, and without just provocation, to cancel the franchise of such dealer.

Sec. 22. Salesmen Selling for Other Than His Employer Prohibited. It shall be unlawful for any motor vehicle salesman licensed under this Act to sell or exchange or offer or attempt to sell or exchange any motor vehicle other than his own except for the licensed motor vehicle dealer or dealers by whom he is employed, or to offer, transfer or assign, any sale or exchange, that he may have negotiated, to any other dealer or salesman. Salesmen may be employed by more than one dealer provided such multiple employment is clearly indicated on his license.

Sec. 23. Existing Franchises; Applicability. The provisions of this Act shall be applicable to all franchises and contracts existing between dealers and manufacturers, factory branches, and distributors at the time of its ratification, and to all such future franchises and contracts.

Sec. 24. Penalties. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned in the discretion of the court.

Sec. 25. The provisions this Act are severable and if any part or provision hereof shall be declared unconstitutional, it shall not affect or impair the remaining parts or provisions.

Sec. 26. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 27. This Act shall take effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 454 **CHAPTER 1244**

AN ACT AUTHORIZING THE STATE OF NORTH CAROLINA TO TAKE TITLE TO THE LAND IN CALDWELL COUNTY UPON WHICH THE GRAVE OF GENERAL WILLIAM LENOIR IS LOCATED AND DIRECTING THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO MAINTAIN SAID PROPERTY.

WHEREAS, the grave of General William Lenoir, a Revolutionary War hero, is located in Caldwell County and the property upon which his grave is located is owned by direct descendants of General Lenoir; and

WHEREAS, General Lenoir was in command of troops under General Cleveland at the Battle of Kings Mountain, was the first Chairman of the Board of Trustees of the University of North Carolina and is the man for whom Lenoir County, North Carolina, the Town of Lenoir in Caldwell County, and Lenoir City, Tennessee were named; and

WHEREAS, members of the Lenoir family are willing to convey the property upon which said grave is located to the State of North Carolina upon assurance that the property will be perpetually maintained by the State as an historic shrine; and

WHEREAS, said property is of historic significance to the State of North Carolina: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the State of North Carolina be, and it is, hereby authorized, empowered and directed to accept without the payment of any money consideration therefor title to the land in Caldwell County upon which the grave of General William Lenoir is located. The State Highway and Public Works Commission is hereby authorized, empowered and directed to perpetually maintain said property and to keep the same in a suitable state of repair as an historic shrine.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 468 **CHAPTER 1245**

AN ACT TO AMEND ARTICLE X, SECTION 6, OF THE CONSTITUTION, SO AS TO AUTHORIZE A MARRIED WOMAN TO EXECUTE A POWER OF ATTORNEY CONFERRED BY HER HUSBAND.

The General Assembly of North Carolina do enact:

Section 1. Article X, Section 6 of the Constitution of the State of North Carolina, is hereby amended by adding the following sentences at the end of said Section:

"Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds

to property owned by her or by herself and her husband or by her husband."

Sec. 2. This amendment shall be submitted to the qualified voters of the entire State at the next general election after ratification of this Act.

Sec. 3. The electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed:

"For amendment authorizing married woman to exercise powers of attorney conferred upon her by her husband."

Those opposed shall vote a ballot on which shall be written or printed the words:

"Against amendment authorizing married woman to exercise powers of attorney conferred upon her by her husband."

Sec. 4. The election upon the amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if the majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 475 CHAPTER 1246

AN ACT TO AMEND ARTICLE 11 OF CHAPTER 28 OF THE GENERAL STATUTES RELATING TO THE ADMINISTRATION BY CLERKS OF SUPERIOR COURTS OF ESTATES NOT EXCEEDING FIVE HUNDRED DOLLARS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-68.2 (a) (2) is hereby amended to read as follows: "To pay any unsatisfied claims for funeral expenses or reimburse any person for the payment thereof."

Sec. 2. G. S. 28-68.2 (b) is hereby rewritten to read as follows: "After the death of a spouse who died intestate and after the funeral expenses have been paid or satisfied and if the balance in his hands belonging to the estate of the intestate does not exceed fifty dollars ($50.00), he shall pay same to the surviving spouse, and if there is no surviving spouse, he shall pay same to the heirs or distributees in proportion to their respective interests."

Sec. 3. G. S. 28-68.2 is hereby amended by adding a new subsection, to be designated as subsection (c), and to read as follows: "The Clerk of Superior Court shall not be required to publish notice to creditors."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 489 CHAPTER 1247

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A RURAL FIRE PROTECTION DISTRICT OR DISTRICTS IN ROBESON COUNTY AFTER ELECTION.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Robeson County is hereby authorized and empowered in its discretion to set up and designate one or more rural fire protection districts in the county. The area contained in such district or districts shall be described in a resolution of the board of commissioners by townships or by definitely ascertainable lines within townships, and such district or districts may include a number of townships or parts of townships, and each such district or districts shall include one or more cities or towns within such area. At the time of setting up and designating such district or districts, the board of county commissioners shall designate a name for each district. New districts may be created from time to time, such new districts not to include any part of the districts previously designated and created.

Sec. 2. When such a district has been designated and created, and upon the petition of fifteen per cent (15%) of the qualified voters living in said district, and upon the petition of the governing body of the municipality or municipalities located within said district, the Board of Commssioners of Robeson County may call upon the board of elections of said county to conduct an election in such district or districts, submitting to the qualified voters within each such district the question of levying and collecting a special tax for providing fire protection in such district, and of levying and collecting a special tax not to exceed fifteen cents (15c) on the one hundred dollars ($100.00) valuation of taxable property in such district for such purpose. In calling for such special election the Board of Elections of Robeson County shall give at least 20 days public notice of same prior to the opening of the registration books and the registration books shall remain open for the same period of time before such special election as is required by law for them to remain open for a regular election. A new registration of voters for such special election is not required and all qualified voters who are properly registered on the county registration books prior to the registration for the special election, as well as those electors who register for said special election, shall be entitled to vote in said election. The date of said election under this Section shall be fixed by the board of elections of the county and such election may be held on the date when a regular election or primary is being held or on any other date when an election may be held. The regularly appointed registrars and pollholders of the several precincts shall serve as such registrars and pollholders at such special election. The cost of holding the election shall be paid by the county.

Sec. 3. At said election those voters who are in favor of levying a tax in the district for fire protection therein shall vote a ballot on which shall be printed the words "In favor of tax for fire protection in ———— district." Those who are opposed to levying said tax shall vote a ballot on which shall be printed the words "Against tax for fire protection in ———— district."

Sec. 4. If a majority of the qualified voters voting at said election shall vote in favor of levying and collecting a tax for fire protection in said district, then the Board of Commissioners of Robeson County is authorized and directed to levy and collect a tax in such amount as it may deem necessary not exceeding fifteen cents (15c) on the one hundred dollars ($100.00) valuation of all taxable property in said district from year to year and shall keep the same as a separate and special fund to be used only for furnishing fire protection within the district voting such tax.

Sec. 5. Upon the levy of such tax, the Board of Commissioners of Robeson County shall, to the extent of taxes collected within any particular fire protection district, provide for fire protection for such district:

(1) By contracting with any incorporated city or town, within such district, with any incorporated nonprofit voluntary or community fire department, or with the State Department of Conservation and Development, to furnish fire protection for such district; or

(2) By itself furnishing fire protection under any plan established by said board of Commissioners; or

(3) By establishing a district fire department within such district; or

(4) By utilizing any two or three of the above listed methods of furnishing fire protection.

Sec. 6. Municipal corporations within the County of Robeson are hereby empowered to make contracts to carry out the purposes of this Act.

Sec. 7. The special fund provided by the tax herein authorized shall be administered by a fire protection district commission of three qualified voters of the county to be known as the "Fire Protection Commission of ————District of Robeson County." Said board shall be appointed by the board of county commissioners for terms of two years, said commission to serve under the supervision of the Board of Commissioners of Robeson County.

Sec. 8. The authorities and provisions of this Act, applying to districts which may be created within Robeson County, are in addition to the authorities and provisions of Article 3A, Chapter 69 of the General Statutes of North Carolina, and any district created under the provisions of this Act are vested with the same powers, rights, privileges, authorities and immunities, as provided for fire protection districts by G. S. 69-25.8. Any such district may be abolished by compliance with the provisions of G. S. 69-25.10.

Sec. 9. The provisions of this Act shall not apply to Wisharts Township and Lumberton Township in Robeson County.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 491 CHAPTER 1248

AN ACT TO PROVIDE FOR THE PAINTING AND ACQUISITION OF A PORTRAIT OF EACH GOVERNOR OF THE STATE DURING HIS TERM OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. During the term of office of each Governor of this State and at least six months prior to its expiration, the Director of the Department of Archives and History is directed to select some skilled artist to paint a portrait of such Governor, and have the same suitably framed. Upon the painting and acquisition of such portrait, the same shall be placed in some appropriate building to be designated by the State Board of Public Buildings and Grounds and which is located in the City of Raleigh.

The cost of the painting and acquisition of said portraits, including the cost of the frame and other necessary expenses incident thereto, shall be paid from the Contingency and Emergency Fund, but in no instance shall such cost exceed the sum of four thousand dollars ($4,000.00) for any one portrait.

Sec. 1½. Provided, that none of said portraits shall be acquired that are done in techniques known as ultra-modern, non-objective, surrealistic, abstract or impressionistic.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 492 CHAPTER 1249

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WILSON COUNTY TO APPOINT A COURT REPORTER FOR THE SUPERIOR COURT AND THE GENERAL COUNTY COURT OF WILSON COUNTY WHO SHALL SERVE AS LIBRARIAN FOR THE WILSON COUNTY LAW LIBRARY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commisioners of Wilson County is authorized and empowered to appoint an official court reporter who shall serve and act as court reporter for the Superior Court of Wilson County and the General County Court of Wilson County. Said reporter shall serve at the will of the said county board, and his or her appointment may be terminated by thirty days written notice thereof.

The appointment of such reporter shall be filed in the office of the

Clerk of the Superior Court of Wilson County, and the same, or a certified copy thereof, shall be recorded by said clerk on the minute docket of the Superior Court and the minute docket of the General County Court.

Before entering upon the discharge of the duties of said office, said reporter shall take and subscribe an oath in words substantially as follows: "I, ————————, do solemnly swear that I will, to the best of my ability, discharge the duties of the office of court reporter in and for the County of Wilson, and will faithfully transcribe the testimony offered in said courts as the presiding judge may direct, or as I may be required to do under the law, so help me, God." Said oath shall be filed in the office of the Clerk of the Superior Court of Wilson County, and recorded and indexed on the minute docket of said courts.

If on account of sickness, or for other cause, said reporter is unable to attend upon any of the terms of courts of either the Superior Court of Wilson County or the General County Court of Wilson County, the said board of commissioners may appoint a reporter pro tempore for said courts and said appointment shall appear upon the minutes of said terms, and said reporter shall take and subscribe the oath referred to above, which oath shall be filed with the clerk. The court reporter, if unable to serve at any term of either said courts, shall notify the Clerk of the Superior Court of Wilson County of his inability to serve and the said clerk shall report the same to the board of commissioners, who shall appoint a reporter pro tempore for said terms of court.

The said official court reporter shall also serve as librarian for Wilson County Law Library and as such shall be in charge of said library. The duties of the said librarian shall be fixed by the board of trustees of said library.

The said board of commissioners shall in its discretion fix the compensation to be received by such reporter and such reporter pro tempore.

The testimony taken and transcribed by said court reporter or said court reporter pro tempore, as the case may be, and duly certified, either by said reporter or the presiding judge at the trial of the cause, may be offered in evidence in any of the courts of this State as the deposition of the witness whose testimony is so taken and transcribed, in the same manner, and under the same rule governing the introduction of depositions in civil actions.

In all criminal actions in the General County Court of Wilson County there shall be taxed as stenographers' fees and as part of the bill of cost the sum of two dollars ($2.00) by the clerk of the said court against the party adjudged to pay the cost of such action and, likewise, in all civil actions there shall be taxed as stenographers' fees and as part of the bill of cost, the sum of two dollars and fifty cents ($2.50) by the clerk of said court against the party adjudged to pay the cost of such action. In all criminal actions in the Superior Court of Wilson County there shall be taxed as stenographers' fees as part of the bill of cost the sum of two dollars ($2.00) by the clerk of said court against the party adjudged to pay the cost of such action and, likewise, in all civil actions there shall be taxed as stenographers' fees and as part of the bill of cost the sum of two

dollars and fifty cents ($2.50) by the clerk of said court against the party adjudged to pay the cost of such action. When so collected, the clerks of said courts shall pay the sums into the general funds of Wilson County for the use and benefit of said Wilson County.

Sec. 2. G. S. 7-89, G. S. 7-90, Chapter 149, Public Laws of 1935, and Chapter 167, Public-Local Laws of 1935, and all other laws and clauses of laws in conflict with the provisions of this Act, to the extent of such conflict, are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification and shall apply only to Wilson County.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 508 CHAPTER 1250

AN ACT TO PROVIDE FOR PAYMENT TO RICHMOND, SCOTLAND AND MOORE COUNTIES BY THE STATE OF NORTH CAROLINA A PRO RATA PERCENTAGE OF THE PROCEEDS OF THE GROSS SALES OF TIMBER SOLD BY THE WILDLIFE RESOURCES COMMISSION FROM CERTAIN LANDS IN SAID COUNTIES.

WHEREAS, the State of North Carolina, through the Wildlife Resources Commission, has been cutting and selling certain timber in Richmond, Scotland and Moore Counties on lands conveyed by the United States of America to the State of North Carolina for wildlife purposes; and

WHEREAS, since said property was acquired by the United States of America and subsequently conveyed to the State of North Carolina, said lands have not been taxed in said counties for ad valorem tax purposes; and

WHEREAS, the said counties have suffered a great loss by reason of said lands not being taxable; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The North Carolina Wildlife Resources Commission is directed to pay to the Boards of County Commissioners of Richmond, Scotland and Moore Counties an amount equal to ten per cent (10%) of the proceeds of the gross sales of all timber which it shall cut and sell from lands conveyed to the State of North Carolina by the United States of America and situated in said counties. The percentage of the proceeds of the gross sales of said timber as herein prescribed shall be divided and paid to said boards on the basis of the acreage located in the respective counties as follows: Fifty-three per cent (53%) thereof shall be paid to Richmond County; forty-two per cent (42%) thereof shall be paid to Scotland County; and five per cent (5%) thereof shall be paid to Moore County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 515 CHAPTER 1251

AN ACT TO FIX FEES OF THE SHERIFF OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Fees and commissions charged for services rendered by the Sheriff of Transylvania County and his deputies shall be as follows:

(a)	Executing summons or any other writ or notice	$2.00
(b)	Arrest of a defendant in a civil or criminal action	2.50
(c)	Serving capias	2.50
(d)	Executing subpoena	.75
(e)	In claim and delivery for serving the original papers in each case, $1.00, and for taking the property claimed, $1.50, with the actual cost of keeping the same until discharge by law.	
(f)	Serving execution	2.00
(g)	Commission for collecting money under execution: 5% on first $2.00, and 2½% on excess of $2.00.	
(h)	Taking bond	1.00
(i)	Summoning a juror	.75
(j)	Laying off homestead ond/or personal property exemption	5.00
(k)	Posting notices	.50
(l)	Levying an attachment	3.50
(m)	Service of writ of ejectment	2.00

Sec. 2. This Act shall apply to Transylvania County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 543 CHAPTER 1252

AN ACT TO AMEND G. S. 160-22 AND 153-9(40) RELATING TO THE AUTHORITY OF LOCAL PLANNING AGENCIES TO ENTER INTO CONTRACTS, ACCEPT ASSISTANCE AND MAKE EXPENDITURES FOR LOCAL PLANNING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Sections 160-22 and 153-9(40) are hereby amended by adding at the end of each such Section the following provisions:

"Any planning board established under the authority of this Section by any one county, city, or town or any joint planning board or agency

established by agreement, pursuant to this Section, between two or more city or county governing bodies may, with the concurrence of the governing body or bodies to which it is responsible, (a) enter into and carry out contracts with the Federal government or any agencies thereof under which said government or agencies grant financial or other assistance to said planning board, (b) accept such assistance or funds as may be granted by the Federal government with or without such a contract, (c) agree to and comply with any reasonable conditions which are imposed upon such grants, (d) make expenditures from any funds so granted. The appropriate city and county governing bodies are hereby authorized to concur in such contracts or to enter into them as co-makers."

Sec. 2. Any planning agency established pursuant to general or special Act of the North Carolina General Assembly which has been granted extra territorial planning jurisdiction, or a joint planning agency of two or more political subdivisions that have been granted joint planning jurisdiction or a county-wide planning agency shall be deemed a regional or metropolitan planning agency for the purpose of accepting such assistance or funds as may be granted by the Federal Government.

Sec. 3. Any planning board or agency established by special Act of the General Assembly shall have the same power and authority as granted in Section 1 of this Act to planning boards and agencies established pursuant to the general law.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 544 CHAPTER 1253

AN ACT TO AMEND THE CONSTITUTION TO PROVIDE FOR MEETINGS OF THE GENERAL ASSEMBLY ON THE FIRST WEDNESDAY AFTER THE FIRST MONDAY IN FEBRUARY NEXT AFTER THEIR ELECTION.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Article II of the Constitution of North Carolina is rewritten to read as follows:

"The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in February next after their election, unless a different day shall be provided by law; and when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present."

Sec. 2. The electors favoring the adoption of the amendment shall vote a ballot on which shall be written or printed the words "For constitutional amendment changing the date for convening the General Assembly from January to February," and those opposed shall vote a ballot on which shall

be printed the words "Against constitutional amendment changing the date for convening the General Assembly from January to February."

Sec. 3. This amendment shall be submitted to the qualified voters in the State at the next general election, which shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if a majority of the votes be cast in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 25th day of May, 1955.

S. B. 558 CHAPTER 1254

AN ACT TO AMEND THE BUDGET APPROPRIATION ACT FOR THE BIENNIUM 1955-57 SO AS TO APPROPRIATE ADDITIONAL FUNDS TO THE STATE DEPARTMENT OF REVENUE IN ORDER TO SECURE MORE EFFECTIVE COMPLIANCE WITH THE STATE REVENUE LAWS.

WHEREAS, it is in the best interest of the State to provide additional office and field personnel for the State Department of Revenue, together with the necessary equipment and supplies, in order to secure more effective enforcement of and compliance with the State revenue laws, particularly with respect to the sales tax and the individual income tax schedules; and

WHEREAS, it is necessary to make additional appropriations to effectuate such purpose; and

WHEREAS, the sum of three hundred twenty-five thousand five hundred twenty-three dollars ($325,523.00) would be required therefor for the fiscal year beginning July 1, 1955, and ending June 30, 1956, and the sum of three hundred sixteen thousand three hundred seventy-nine dollars ($316,379.00) would be required therefor for the fiscal year beginning July 1, 1956, and ending June 30, 1957: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Budget Appropriation Act for the biennium 1955-57, House Bill No. 9, entitled "An Act to Make Appropriations For the Maintenance of the State's Departments, Bureaus, Institutions, and Agencies, and for Other Purposes", enacted by the General Assembly of 1955, ratified on May 11, 1955, is hereby amended by striking out in the columns headed "1955-56" and "1956-57" the figures in each of said columns opposite the words "Department of Revenue" in Item 6 of Subdivision III of

Section 1 thereof, and inserting in lieu thereof in the column headed "1955-56" the figures "$2,678,298" and in the column headed "1956-57" the figures "$2,708,652".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 563 CHAPTER 1255

AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO ALLOCATE CERTAIN FUNDS FROM APPROPRIATIONS MADE TO APPALACHIAN STATE TEACHERS COLLEGE FOR THE YEAR 1954-55 FOR THE PURPOSE OF THE CONSTRUCTION OF THE RESIDENCE OF THE PRESIDENT OF SAID COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. The Director of the Budget is authorized to allocate from appropriations made to Appalachian State Teachers College for the year 1954-55, under item 7, title IV of Section 1, of Chapter 1165, of the Session Laws of 1953, the sum of forty thousand dollars ($40,000.00) to be used for the construction of a residence for the president of said college.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 566 CHAPTER 1256

AN ACT AUTHORIZING CITY AND COUNTY BOARDS OF EDUCATION TO OBTAIN LIABILITY INSURANCE AND TO WAIVE GOVERNMENTAL IMMUNITY TO THE EXTENT OF SUCH INSURANCE COVERAGE.

The General Assembly of North Carolina do enact:

Section 1. Any county or city board of education, by securing liability insurance as hereinafter provided, is hereby authorized and empowered to waive its governmental immunity from liability for damage by reason of death or injury to person or property caused by the negligence or tort of any agent or employee of such board of education when acting within the scope of his authority or within the course of his employment. Such immunity shall be deemed to have been waived by the act of obtaining such insurance, but such immunity is waived only to the extent that said board of education is indemnified by insurance for such negligence or tort.

Any contract of insurance purchased pursuant to this Act must be issued by a company or corporation duly licensed and authorized to exe-

cute insurance contracts in this State and must by its terms adequately insure the county or city board of education against any and all liability for any damages by reason of death or injury to person or property proximately caused by the negligent acts or torts of the agents and employees of said board of education or the agents and employees of a particular school in a county or city administrative unit when acting within the scope of their authority or within the course of their employment. Any company or corporation which enters into a contract of insurance as above described with a county or city board of education, by such act waives any defense based upon the governmental immunity of such county or city board of education.

Every county or city board of education in this State is authorized and empowered to pay as a necessary expense the lawful premiums for such insurance.

Any person sustaining damages, or in case of death, his personal representative may sue a county or city board of education insured under this Act for the recovery of such damages in any court of competent jurisdiction in this State, but only in the county of such board of education; and it shall be no defense to any such action that the negligence or tort complained of was in pursuance of a governmental, municipal or discretionary function of such county or city board of education if, and to the extent, such county or city board of education has insurance coverage as provided by this Act.

Except as hereinbefore expressly provided, nothing in this Act shall be construed to deprive any county or city board of education of any defense whatsoever to any such action for damages, or to restrict, limit, or otherwise affect any such defense which said board of education may have at common law or by virtue of any statute; and nothing in this Act shall be construed to relieve any person sustaining damages or any personal representative of any decedent from any duty to give notice of such claim to said county or city board of education or to commence any civil action for the recovery of damages within the applicable period of time prescribed or limited by statute.

A county or city board of education may incur liability pursuant to this Act only with respect to a claim arising after such board of education has procured liability insurance pursuant to this Act and during the time when such insurance is in force.

No part of the pleadings which relate to or allege facts as to a defendant's insurance against liability shall be read or mentioned in the presence of the trial jury in any action brought pursuant to this Act. Such liability shall not attach unless the plaintiff shall waive the right to have all issues of law or fact relating to insurance in such an action determined by a jury and such issues shall be heard and determined by the judge without resort to a jury and the jury shall be absent during any motions, arguments, testimony or announcement of findings of fact or conclusions of law with respect thereto unless the defendant shall request a jury trial thereon; Provided, that this Act shall not apply to claims for damages caused by the negligent acts or torts of public school bus drivers.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 572 CHAPTER 1257

AN ACT TO AMEND ARTICLE 3 OF CHAPTER 114 OF THE GENERAL STATUTES REQUIRING REPORTS OF CIVIL STATISTICS TO BE MADE TO THE CHIEF JUSTICE IN LIEU OF BEING MADE TO THE ATTORNEY GENERAL AND CHANGING THE NAME OF THE DIVISION OF CRIMINAL AND CIVIL STATISTICS IN THE DEPARTMENT OF JUSTICE TO THE DIVISION OF CRIMINAL STATISTICS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 114-10 is hereby amended by changing the name of the Division of Criminal and Civil Statistics to Division of Criminal Statistics.

Sec. 2. Subsection (b) of G. S. 114-10 is hereby repealed and the subsection lettering shall be changed accordingly.

Sec. 3. The statistical data as to civil litigation, heretofore required by G. S. 114-11 to be furnished to the Department of Justice by Clerks of the Superior Court and other court officials, shall be furnished to the Chief Justice on forms provided by the Chief Justice for this purpose and at such times as he shall require the same, and any clerk or officer of any court in this State who shall wilfully fail or refuse to furnish such statistical data, after demand has been made therefor by the Chief Justice, shall be subject to be amerced the sum of two hundred dollars ($200.00) in the Superior Court of the county in which such officer resides.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 575 CHAPTER 1258

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WILSON COUNTY TO MAKE APPROPRIATIONS FOR BUILDING WATER LINES FROM THE CORPORATE LIMITS OF MUNICIPALITIES THEREIN TO UNINCORPORATED COMMUNITIES OR LOCATIONS WITHIN THE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Wilson County is authorized and empowered to appropriate, make available and spend from

any surplus funds or any funds not derived from tax sources which are available to said board to be used in such amounts in the discretion of said boards for the purpose of building water and sewer lines from the corporate limits of any municipality in said county to communities or locations outside the corporate limits of any municipality therein. Said water lines shall be built and constructed for the purposes of public health and to promote the public health in communities and locations in the State where large groups of employees live in and around factories and mills and where said water and sewerage is necessary to promote industrial, commercial and business purposes, all of which purposes are hereby declared to be public purposes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 576 CHAPTER 1259

AN ACT TO AMEND G. S. 2-24 SO AS TO ALLOW THE BOARD OF COMMISSIONERS OF HALIFAX COUNTY AND BRUNSWICK COUNTY TO FIX THE OFFICE HOURS AND WORK-DAYS OF THE CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 2-24, as the same appears in Volume 1B of the General Statutes, be and the same is hereby amended by adding at the end thereof the following:

"Provided, further, the office of the Clerk of the Superior Court of Halifax County and Brunswick County may observe such workdays, office hours, and holidays as may be authorized and prescribed by the board of commissioners of said county. When the last day for filing any paper in the office of said clerk falls upon a day when said office is not open, said paper may be filed on the next day on which said office is open for the transaction of business."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 580 **CHAPTER 1260**

AN ACT TO APPROPRIATE FUNDS FOR THE MAINTENANCE AND SUPPORT OF THE NORTH CAROLINA BOARD OF HIGHER EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State to the North Carolina Board of Higher Education, for the maintenance and support of said board and in order to enable said board to exercise its powers and perform its duties, the sum of fifty thousand dollars ($50,000) for the fiscal year beginning July 1, 1955, and ending June 30, 1956, and the sum of fifty thousand dollars ($50,000) for the fiscal year begining July 1, 1956, and ending June 30, 1957.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 584 **CHAPTER 1261**

AN ACT AMENDING CHAPTER 850, SESSION LAWS OF 1955, RATIFIED ON MAY 6, 1955, RELATING TO INSURANCE.

The General Assembly of North Carolina do enact:

Section 1. That Section 12 of Chapter 850, Session Laws of 1955 be and the same is hereby amended by striking out the figures "10, 11 and 12" appearing after the figure "7" and before the word "shall" in said Section and substituting in lieu thereof the figures "9, 10 and 11".

Sec. 2. That Section 15 of Chapter 850, Session Laws of 1955 be and the same is hereby amended by striking out the figure "11" appearing between the words "and" and "above" in said Section and substituting in lieu thereof the figure "10".

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 84 **CHAPTER 1262**

AN ACT TO PROVIDE FOR THE CODIFICATION AND PRINTING OF THE MACHINERY ACT, THE SAME BEING CHAPTER 310 OF THE PUBLIC LAWS OF 1939, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. The Secretary of State, with the advice of the Attorney General, shall insert in the Machinery Act of 1939, being Chapter 310 of

the Public Laws of 1939, in their proper places, the several amendments and supplements thereto enacted by the General Assemblies of 1939 through 1955, inclusive, and shall print in codified form 2,500 copies of said Act as amended and supplemented, which copies shall be delivered to the State Board of Asessment for distribution. This compilation and codification, when certified by the Secretary of State and the Attorney General to be a true and accurate codification of the Machinery Act of 1939 and all amendments thereto, shall be an official codification or statement of the Machinery Act of 1939 as amended through the 1955 Session of the General Assembly.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 324 CHAPTER 1263

AN ACT TO ALLOW COUNTY AND MUNICIPAL GOVERNING BODIES TO FIX THE FEES FOR SERVING TAX GARNISHMENT NOTICES AND TO AUTHORIZE BOARDS OF COUNTY COMMISSIONERS TO FIX THE FEES JUSTICES OF THE PEACE MAY CHARGE FOR ENTERING JUDGMENT IN PROPERTY TAX GARNISHMENT PROCEEDINGS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (d) of Section 105-385 of the General Statutes is amended by striking out the last paragraph thereof and by substituting the following therefor:

"The fee for serving said notice shall be fixed by the governing body of the taxing unit. The justice's fee shall be fixed by the board of county commissioners, but no justice's fees shall be charged except in cases in which judgment is actually entered. Costs in the Superior Court shall be the same as in other proceedings therein. Fees and costs shall be added to and collected as part of the taxes: Provided, that if judgment is rendered against the taxing unit such costs and fees shall be paid by the taxing unit. All fees collected by officers shall be disposed of in the same manner as other fees collected by such officers."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 325 **CHAPTER 1264**

AN ACT TO PROVIDE A PROCEDURE BY WHICH A TAX COLLECTOR MAY CALL ON A PEACE OFFICER TO ASSIST WITH A LEVY, TO PROVIDE THAT DEPUTY COLLECTORS MAY LEVY, AND TO PROVIDE THAT TAX LEVY AND SALE FEES SHALL BE GOVERNED BY THE GENERAL LAW.

The General Assembly of North Carolina do enact:

Section 1. Subsection (c) of Section 105-385 of the General Statutes is amended by striking out the second paragraph and by inserting the following in lieu thereof:

"The levy and sale (including both levy and sale fees) shall be governed by the laws regulating levy and sale under execution: Provided, that it shall not be necessary for said levy to be made or said sale to be conducted by the sheriff, and the collector or any duly appointed deputy collector, is hereby given the same authority as the sheriff to make said levy and conduct said sale. Provided, further, that upon authorization of the board of county commissioners or governing body of the municipality, the tax collector may direct an execution against personal property for taxes to the sheriff or any peace officer, including township constables and, in the case of municipal taxes, municipal policemen, and in such event the officer to whom such execution is directed may proceed to levy upon and sell the personal property of the taxpayer in the same manner and with the same powers and authority as normally exercised by sheriffs in levying upon and selling personal property under execution. Levy and sale fees, plus actual advertising costs, shall be added to and collected in the same manner as the taxes. The advertising costs, when collected, shall be used to reimburse the taxing unit, which shall advance the cost of said advertising; and the levy and sale fees, when collected, shall be treated in the same manner as other fees collected by said official."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 390 **CHAPTER 1265**

AN ACT TO AMEND THE LAW RELATING TO THE PRACTICE OF COSMETIC ART AND TO PROVIDE ADDITIONAL FUNDS NECESSARY AND NOW NEEDED FOR THE ADMINISTRATION OF THE COSMETIC ART LAW.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 88-21 of Volume 2C of the General Statutes by rewriting the third and fourth sentences of said Section so that the same shall hereafter read as follows:

"The regular or annual license fee of a registered cosmetologist shall

be five dollars ($5.00), and the renewal of the license of a registered cosmetologist shall be five dollars ($5.00) if renewed before the same becomes delinquent, and if renewed after the same becomes delinquent there shall be charged a penalty of one dollar and fifty cents ($1.50) in addition to the regular license fee of five dollars ($5.00); the annual license fee of a registered apprentice shall be two dollars and fifty cents ($2.50), and all licenses, both for apprentices and for registered cosmetologists, shall be renewed as of the 30th day of June each and every year. All cosmetic art schools shall pay a fee of ten dollars ($10.00) annually."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 486 CHAPTER 1266

AN ACT TO AMEND CERTAIN SECTIONS OF ARTICLE 9A OF CHAPTER 90, VOLUME 2C OF THE GENERAL STATUTES, CUMULATIVE SUPPLEMENT OF 1953, FOR THE PURPOSE OF CLARIFYING CERTAIN TERMS AND TO REGULATE THE LICENSE FEES AND FOR OTHER PURPOSES RELATING TO PRACTICAL NURSES.

The General Assembly of North Carolina do enact:

Section 1. That Article 9A, of Chapter 90, of Volume 2C of the General Statutes, as the same appears in the Cumulative Supplement of 1953, is hereby amended so that wherever there appears in said Article 9A the words, or term, "North Carolina Board of Nurse Examiners", the same is hereby stricken out and there is inserted in lieu thereof the words, or term, "North Carolina Board of Nurse Registration and Nursing Education Enlarged".

Sec. 2. G. S. 90-171.3, Volume 2C, as the same appears in the Cumulative Supplement of 1953, is hereby amended by adding at the end of said Section a proviso, which shall read as follows:

"Provided, that any person, who has not completed a course of training for practical nursing approved and accredited by the Board Enlarged, and who desires to be an applicant to practice as a licensed practical nurse under the conditions set forth in the second sentence in this Section, shall file such application and complete and submit such forms as may be necessary to the Board on or before July 1, 1956, and no applications filed under this proviso after said date shall be considered or granted."

Sec. 3. Amend G. S. 90-171.7, Volume 2C, by striking out, in line eight of said Section, the following: "one dollar ($1.00)" and by inserting in lieu thereof the following: "two dollars ($2.00)".

Further amend said G. S. 90-171.7, Volume 2C, by striking out the period appearing after the word "year", in the last line of said Section, and by inserting in lieu of the period a comma and the following: "and in

addition to the regular renewal fee of two dollars ($2.00) there shall also be assessed and paid a penalty of three dollars ($3.00) for such failure to renew the annual license as herein required."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 650 CHAPTER 1267

AN ACT CREATING A BODY POLITIC AND CORPORATE TO BE KNOWN AS THE "CATAWBA VALLEY NATURAL GAS AUTHORITY"; DEFINING THE POWERS AND DUTIES OF SAID AUTHORITY; GRANTING TO THE AUTHORITY POWER TO ACQUIRE, CONSTRUCT, IMPROVE, BETTER, OPERATE, MAINTAIN AND REPAIR GAS SYSTEMS WITHIN THE CITIES OF HICKORY, LENOIR AND NEWTON AND THE TOWNS OF CONOVER, GRANITE FALLS, LINCOLNTON, MAIDEN, MORGANTON AND VALDESE AND CERTAIN AREAS CONTIGUOUS THERETO; AND PROVIDING FOR FINANCING THE ACQUISITION AND CONSTRUCTION OF SUCH SYSTEMS BY THE ISSUANCE OF REVENUE BONDS OF THE AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. Short Title.—This Act shall be known and may be cited as the "Catawba Valley Natural Gas Authority Act."

Sec. 2. Definitions.—As used in this Act the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word "Authority" shall mean the Authority created by Section 3 of this Act, or, if such Authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this Act to the Authority shall be given by law.

(b) The term "gas system" shall mean and shall include any system, plant, work, instrumentality and property used or useful in connection with the generation, production, transmission and distribution of natural, artificial or mixed gas, or any integral part of any such system, plant, work, instrumentality or property, and, without limiting the generality of the foregoing definition, shall embrace generating plants, storage tanks, transmission and distribution mains, pipe lines, pipes, meters, valves, machinery and equipment, and all lands, properties, rights, easements and franchises relating to any such system and deemed neeessary or convenient for the acquisition, construction or operation thereof.

(c) The word "improvements" shall mean such repairs, replacements, additions, extensions and betterments of and to such gas system as are deemed necessary to place such system in proper condition for the safe, efficient and economical operation thereof.

(d) The word "cost" shall mean and shall include the cost of acquiring or constructing a gas system, the cost of improvements, the cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, cost of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to the determining of the feasibility or practicability of any such acquisition, improvement, or construction, administrative expenses, and such other expenses, including reasonable provision for working capital, as may be necessary or incident to the financing herein authorized, to the acquisition, improvement, construction of a gas system, and the placing of the same in operation by the Authority. Any obligation or expenses incurred by the Authority or by any municipality appointing a member of the Authority, prior to the issuance of revenue bonds under the provisions of this Act, in connection with the acquisition or construction of a gas system or any improvements thereof, may be regarded as a part of such cost.

Sec. 3. There is hereby created a body politic and corporate to be known as the "Catawba Valley Natural Gas Authority" for the purpose of acquiring, constructing, improving, bettering, financing, operating and maintaining gas systems. The Authority is hereby constituted a public instrumentality and the exercise by the Authority of the powers conferred by this Act shall be deemed and held to be the performance of essential governmental functions.

The Authority shall consist of nine members, three of whom shall serve for terms expiring on July 1, 1957, three of whom shall serve for terms expiring on July 1, 1959, and three of whom shall serve for terms expiring on July 1, 1961. The governing body of each of the Cities of Hickory, Lenoir and Newton and the Towns of Conover, Granite Falls, Lincolnton, Maiden, Morganton and Valdese shall appoint one member of the Authority. The terms of the individual members of the Authority first appointed shall be selected by lot at the first meeting of the members thereof. Successor members of the Authority shall each be appointed for a term of six years, but any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and any member of the Authority may be reappointed. Appointments of successor members or members to fill vacancies shall, in each instance, be made by the governing body of the city or town which shall have originally appointed the member whose successor is to be appointed. Each member of the Authority before entering upon his duties shall take and subscribe an oath or affirmation to support The Constitution of the United States and of this State to discharge faithfully the duties of his office, and a record of each such oath shall be filed in the office of the Secretary of the Authority.

The Authority shall select one of its members as Chairman of the Authority and another as Vice Chairman and shall also select a Secretary and a Treasurer who may but need not be members of the Authority. The offices of Secretary and Treasurer may be combined.

Five members of the Authority shall constitute a quorum and the

affirmative vote of five members shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. The members of the Authority shall receive five dollars ($5.00) for each meeting of the Authority attended by such members and reimbursement of the amount of the actual expenses incurred by each such member in the performance of his duties.

Sec. 4. The Authority hereby created shall be deemed to be a "municipality" within the meaning of the Revenue Bond Act of one thousand nine hundred thirty-eight (General Statutes of North Carolina, Sections 160-413 to 160-424, inclusive), as amended, and, to the extent that the same are not inconsistent with the provisions of this Act, all of the provisions of said Revenue Bond Act shall apply to the acquisition, construction, improvement, betterment, financing operation and maintenance of gas systems by the Authority.

Sec. 5. In addition to the powers granted by Section 4 of this Act and subject to the limitations set forth in Section 6 of this Act, the Authority is hereby authorized and empowered:

(a) to adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) to adopt an official seal and alter the same at pleasure;

(c) to sue and be sued in its own name, plead and be impleaded;

(d) to acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, hold, operate and maintain any gas system or gas systems within or without or partly within or without any one or more of the municipalities authorized hereby to appoint a member of the Authority, and to acquire by the exercise of the power of eminent domain in accordance with the General Statutes of North Carolina which may be applicable to the exercise of such power by municipalities or counties, any lands, easements, interests or rights in lands, necessary or desirable in the judgment of the Authority in connection with the exercise of its powers under this Act;

(e) to enter into contracts with any municipality, private corporation, co-partnership, association or individual for the purpose of obtaining a supply of gas or for the purpose of selling gas at wholesale or at retail, and to manufacture, produce and transport, or in any other manner secure supplies of natural or manufactured gas, or both;

(f) to borrow money, and to issue revenue bonds, notes or other obligations of the Authority as evidence of such borrowing, payable solely from revenues, to pay all or a part of the cost of a gas system;

(g) to fix, and revise from time to time, charge and collect rates, fees and charges for the use of or for the services furnished by any gas system of the Authority;

(h) to enter into contracts with any municipality, or with any private corporation, co-partnership, association, or individual providing for or relating to the furnishing of services and facilities of any gas system of the Authority or in connection with the services rendered by any such system owned or controlled by any municipality, or any private corporation, co-

partnership, association or individual, and to enter into contracts with any municipality, private corporation, co-partnership, association or individual on such terms as the Authority shall deem proper, for the acquisition, construction, improvement, operation or maintenance of any gas system. Any such contract shall be subject to such provisions, limitations or conditions as may be contained in the resolution of the Authority authorizing its revenue bonds;

(i) to employ engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation; and

(j) to provide for the payment of any surplus net revenues derived from the operation of any gas system by the Authority to the municipalities authorized hereby to appoint a member of the Authority in the proportion that the sale of gas by the Authority for use within the boundaries of each such municipality and its environs bears to the aggregate sales of gas by the Authority for use within the boundaries of all of such municipalities and their environs.

Sec. 6. Except for the acquisition, construction or operation of transmission or supply lines, the exercise by the Authority of the powers granted by this Act shall be limited to the areas included within the corporate limits of the municipalities authorized hereby to appoint members of the Authority and areas contiguous thereto but in no event in any area contiguous thereto beyond a distance of fifteen (15) miles from any such corporate limits. No gas system shall be located or operated by the Authority within the boundaries of any municipality without its consent. No gas system shall be located or operated by the Authority within any municipality in competition with any existing gas system. Nothing contained in this Act shall be deemed to prohibit any of the municipalities herein named from acquiring, constructing or operating gas distribution facilities within such municipality and its environs except where such facilities shall have been provided by the Authority; provided, however, that no such municipality shall hereafter acquire, construct or operate any facilities for the generation, production or transmission of natural, artificial or mixed gas.

Sec. 7. The governing body of any municipality, nothwithstanding any contrary provision of law, is hereby authorized and empowered to transfer jurisdiction over, and to lease, lend, grant or convey to the Authority upon the request of the Authority, upon such terms and conditions as the governing body of such municipality may agree with the Authority as reasonable and fair, the whole or any part of an existing gas system, or such real or personal property as may be necessary or desirable in connection with the acquisition, construction, improvement, operation or maintenance of a gas system by the Authority, including public roads and other property already devoted to public use.

Sec. 8. The municipalities named herein are hereby authorized to make contributions or advances to the Authority, from any moneys which may be available for such purpose, to provide for the preliminary expenses of the

Authority in carrying out the provisions of this Act. Any such advances may be repaid to such municipalities from the proceeds of bonds issued by the Authority under this Act.

Sec. 9. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 10. This Act shall not be effective until July 1, 1956 and only then if no privately owned utility has made natural gas available to the area covered by this Act prior to July 1, 1956.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 695 CHAPTER 1268

AN ACT TO AMEND CHAPTER 57 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO LICENSING OF AGENTS OF MEDICAL AND HOSPITAL SERVICE ASSOCIATIONS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Chapter 57 of the General Statutes is amended by adding a new Section immediately following G. S. 57-12, to be numbered G. S. 57-12.1, and to read as follows:

"G. S. 57-12.1. Medical and Hospital Service Associations and agent to transact business through licensed agents only.—No medical or hospital service association; nor any agent of any association shall on behalf of such association or agent, knowingly permit any person not licensed as an agent as provided by law, to solicit, negotiate for, collect or transmit a premium for a new contract of medical or hospital service certificate or to act in any way in the negotiation for any contract or policy; provided, no license shall be required of the following:

(1) Persons designated by the association or subscriber to collect or deduct or transmit premiums or other charges for medical care or hospital contracts, or to perform such acts as may be required for providing coverage for additional persons who are eligible under a master contract.

(2) An agency office employee acting in the confines of the agent's office, under the direction and supervision of the duly licensed agent and within the scope of such agent's license, in the acceptance of request for insurance and payment of premiums and the performance of clerical, stenographic, and similar office duties."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 805 CHAPTER 1269

AN ACT TO AMEND G. S. 105-342 SO AS TO EXEMPT WOUNDED OR DISABLED VETERANS OF WORLD WAR II AND THE KOREAN CONFLICT FROM PAYMENT OF THE POLL TAX.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-342 is hereby amended by striking out the period at the end of said Section, inserting a colon in lieu thereof, and by adding the following words:

"Provided further, that the provisions of this Section shall also be applicable to veterans of World War II and to veterans of the Korean conflict similarly injured or similarly having physical infirmities, and the term 'veterans of the Korean conflict', as used in this Section, means those persons serving in the Armed Forces of the United States at any time during the period beginning June 27, 1950, and ending on July 27, 1953."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 871 CHAPTER 1270

AN ACT TO AMEND ARTICLE 3A OF CHAPTER 69 OF THE GENERAL STATUTES RELATING TO RURAL FIRE PROTECTION DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. Article 3A of Chapter 69 of the General Statutes of North Carolina is amended by adding the following sections immediately following G. S. 69-25.10, to be designated as indicated, and to read as follows:

"G. S. 69-25.11. That after fire protection district has been established under the provisions of this Article and fire protection commissioners have been appointed, changes in the area may be made as follows:

(a) The area of any fire protection district may be increased by including in the boundaries any adjoining territory upon the application of the owner or owners of the territory to be included, the unamimous recommendation in writing of the fire protection commissioners of said district, the approval of a majority of the members of the board of directors of the corporation furnishing fire protection to the district and the approval of the board or boards of county commissioners in the county or counties in which said fire protection district is located.

(b) The area of any fire protection district may be decreased by removing therefrom any territory, upon the application of the owner or owners of the territory to be removed, the unanimous recommendation in writing of the fire protection commissioners of said district, the approval of a majority of the members of the board of directors of the corporation furnishing fire protection to the district, and the approval of the board

or boards of county commissioners of the county or counties in which the district is located.

"G. S. 69-25.12. In case any territory is added to any fire protection district, from and after such addition, the taxpayers and other residents of said added territory shall have the same rights and privileges and the taxpayers shall pay taxes at the same rates as if said territory had originally been included in the said fire protection district.

"G. S. 69-25.13. In case any territory is removed from any fire protection district from and after said removal, the taxpayers and other residents of said removed territory shall cease to be entitled to the rights and privileges vested in them by their inclusion in said fire protection district, and the taxpayers shall no longer be required to pay taxes upon their property within said district."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 879 CHAPTER 1271

AN ACT TO AMEND G. S. 105-65.1 SO AS TO EXEMPT CERTAIN PERSONS FROM THE ANNUAL SOFT DRINK DISPENSER OPERATOR'S LICENSE REQUIREMENTS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (1) of G. S. 105-65.1 is hereby amended by adding the following sentence immediately following the words "of this subsection" in line 22 of said subsection, as the same appear in the 1953 Cumulative Supplement to the General Statutes:

"Any person, firm or corporation operating, maintaining or placing on location five (5) or more soft drink dispensers shall not be considered a distributor or operator for the purpose of this subsection when all of said dispensers operated, maintained or placed on location by such person, firm or corporation are operated, maintained or placed in a single building, all parts of which are accessible through the same outside entrance, and which building is occupied by a single commercial, manufacturing or industrial business."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective June 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 898 **CHAPTER 1272**

AN ACT TO MAKE CERTAIN CHANGES IN CHAPTER 34 OF THE GENERAL STATUTES, KNOWN AS THE VETERANS' GUARDIANSHIP ACT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 34 of the General Statutes of North Carolina is hereby amended by adding after Section 34-2 a new Section to be numbered G. S. 34-2.1, which shall read as follows:

"G. S. 34-2.1. Any guardian appointed under the provisions of this Chapter may be guardian of all property, real or personal, belonging to the ward to the same extent as a guardian appointed under the provisions of Chapter 33 or Chapter 35 of the General Statutes of North Carolina, as the case may be, and the provisions of such Chapters concerning the custody, management and disposal of property shall apply in any case not provided for by this Chapter. All acts heretofore performed by guardians appointed under the provisions of this Chapter with respect to the custody, management and disposal of property of wards are hereby validated where no provision for such acts was provided for by this Chapter, if such acts were performed under and in conformity with the provisions of Chapter 33 or Chapter 35 of the General Statutes of North Carolina, as the case may be."

Sec. 2. (A). G. S. 34-14.1 is hereby rewritten to read as follows:

"G. S. 34-14.1. Payment of pension funds to dependent relatives.—(a) It shall be lawful for a guardian or trustee of a mentally disordered or incompetent Veterans Administration beneficiary to pay to or for (1) the spouse or children or mother or father of the ward, whether or not said spouse or children or mother or father received any part of their maintenance from the ward prior to the appointment of said guardian or trustee, such an amount for support and maintenance as shall be approved by the Clerk of the Superior Court having jurisdiction over such guardian or trustee; (2) a brother, sister, nephew, niece, uncle, aunt, or any other relative of the ward, who, prior to the appointment of said guardian or trustee, received some part of his or her maintenance from said ward, such an amount for support and maintenance as shall be approved by the Clerk of the Superior Court having jurisdiction over said guardian or trustee and by a Superior Court Judge.

(b) Such approval may be granted upon a duly verified petition filed before the Clerk of the Superior Court having jurisdiction of such guardian or trustees setting forth (1) the amount of benefits received by the guardian or trustee on behalf of the ward from the Veterans Administration; (2) the amount of periodic disbursements, if any, made by such guardian or trustee for the maintenance and support of the ward; (3) the person for whose maintenance and support payment is to be made and the relationship of such person to the ward; (4) if the person for whose maintenance and support payment is to be made is one described in paragraph (a) (2) above, facts showing that prior to the appointment of said guardian or trustee such person received some part of his or her maintenance from said ward;

(5) the amount to be paid and the period when such payments are to be made. Notice of hearing upon such petition shall be as provided by G. S. 34-14, and no person or persons, other than the guardian or trustees and petitioner, need to be made parties to any such proceeding. If the guardian or trustee is the petitioner, no other parties shall be necessary."

(B) All orders heretofore made under this Chapter for the payment to any relative, if made in accordance with the provisions of G. S. 34-14.1 as hereby amended, are hereby validated.

Sec. 3(A). G. S. 34-17 is hereby rewritten to read as follows:

"G. S. 34-17. Discharge of guardian.—When a minor ward for whom a guardian has been appointed under the provisions of this Chapter or other laws of this State shall have attained his or her majority, and if incompetent shall be declared competent by the bureau and by an order of the Clerk of the Superior Court of the county in which such guardian was appointed, and when any incompetent ward, not a minor, shall be declared competent by said bureau and by an order of the Clerk of the Superior Court of the county in which such guardian was appointed, the guardian shall upon making a satisfactory accounting be discharged upon a petition filed for that purpose. The certificate of the director, or his representative, setting forth the fact that an incompetent ward has been rated competent by the bureau on examination in accordance with the laws and regulations governing such bureau shall be prima facie evidence upon which the court may declare such ward competent."

(B) All orders heretofore entered by the Clerk of the Superior Court of the county in which such guardian was appointed declaring such ward to be competent, based on a certificate of the director, or his representative, that such incompetent ward had been rated competent by the bureau on examination in accordance with the laws and regulations governing such bureau are hereby validated.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 907 CHAPTER 1273

AN ACT TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS TO EXTEND THE TIME FOR QUADRENNIAL ASSESSMENTS FOR TAXATION.

The General Assembly of North Carolina do enact:

Section 1. That General Statutes 105-278, as amended by Chapter 847 of the Session Laws of 1951 be, and the same hereby is further amended by adding at the end of said Section the following: "Provided, further, that the boards of commissioners of the various counties of the State may, in their discretion, defer or postpone revaluation and reassessments of real property for the years 1955 and 1956. Whenever revaluation is had,

same may be by horizontal increase or reduction or by actual appraisal thereof, or both."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 931 CHAPTER 1274

AN ACT TO AMEND CHAPTER 122 OF THE GENERAL STATUTES SO AS TO AUTHORIZE THE TRANSFER OF PATIENTS FROM THE PSYCHIATRIC TRAINING AND RESEARCH CENTER AT CHAPEL HILL TO A STATE HOSPITAL OR INSTITUTION UNDER THE CONTROL OF THE NORTH CAROLINA HOSPITALS BOARD OF CONTROL.

The General Assembly of North Carolina do enact:

Section 1. Article 1 of Chapter 122 of the General Statutes is amended by adding a new Section immediately following G. S. 122-13, to be designated as "G. S. 122-13.1", and to read as follows:

"G. S. 122-13.1. Transfer of Patients from the Psychiatric Training and Research Center at Chapel Hill to a State Hospital or Institution under the Control of the North Carolina Hospitals Board of Control. When it is deemed desirable that any patient of the Psychiatric Training and Research Center at the South Wing of the North Carolina Memorial Hospital at Chapel Hill be transferred to a State hospital or institution under the control of the North Carolina Hospitals Board of Control such a transfer may be effected upon the approval of the superintendent of the appropriate State hospital and the recommendation of the Director of the Inpatient Service of the Psychiatric Training and Research Center. A certified copy of the commitment on file at the Psychiatric Training and Research Center and the order of the Director of the Inpatient Service shall be sufficient warrant for holding the mentally disordered person by the officials of the appropriate State hospital."

Sec. 2. Article 3 of Chapter 122 of the General Statutes is amended by adding new Sections immediately following G. S. 122-46.2, to be numbered as indicated, and to read as follows:

"G. S. 122-46.3. Authorization of Hospital for Commitment. By this amendment the Psychiatric Training and Research Center at the South Wing of the North Carolina Memorial Hospital at Chapel Hill shall be authorized to receive allegedly mentally disordered persons committed for observation, for commitment, release or discharge in the same manner as a State hospital. The clerk of the court shall not make commitment to this Center without the approval of the Director of the Inpatient Service.

"G. S. 122-46.4. Clerk to Commit for Observation to the Psychiatric Training and Research Center at the South Wing of the North Carolina Memorial Hospital for Commitment, Release or Discharge. When the

clerk of court has approval as provided in Section 122-46.3 he may make commitment of an allegedly mentally disordered person as provided in Section 122-46. Any two duly licensed physicians not directly connected with the Inpatient Service of this Center may serve as the certifying physicians.

"G. S. 122-46.5. Clerk May Make Final Commitment to Center. When the allegedly mentally disordered person has been observed for a period of thirty days the Director of the Inpatient Service shall report concerning the person's condition to the clerk in the same manner as the superintendent of the State hospital as provided in Section 122-46.1, the clerk shall then act on this report as provided in Section 122-46.1.

"G. S. 122-46.6. Commitment upon Patient's Application. Any person believing himself to be of unsound mind or threatened with mental disorder may voluntarily commit himself to the Psychiatric Training and Research Center at the South Wing of the North Carolina Memorial Hospital in Chapel Hill as to a State hospital upon approval of his application by the Director of the Inpatient Service; the application for commitment shall be in the form designated in the General Statutes, Section 122-62. The patient's application shall be accompanied by the recommendation of a licensed physician.

"Final commitment of voluntarily committed patients must proceed through the same channels as in the case of the involuntary commitment of an allegedly mentally disordered person."

Sec. 3. Article 4 of Chapter 122 of the General Statutes is amended by adding a new paragraph immediately following G. S. 122-67, to be designated as "G. S. 122-67.1", and to read as follows:

"G. S. 122-67.1. Release of Patients from the Psychiatric Training and Research Center at the South Wing of the North Carolina Memorial Hospital in Chapel Hill. The Director of the Inpatient Service may release patients on probation in the same manner as provided for the superintendent of a State hospital in Section 122-67. He may also discharge such patients as in his opinion are no longer in need of hospital care."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1061 CHAPTER 1275

AN ACT TO REGULATE THE SALE OF HYDRAULIC BRAKE FLUIDS FOR MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Section 20-124 of the General Statutes is hereby amended by adding to the end thereof a new subsection to be designated subsection (g) and to read as follows:

"From and after July 1, 1955, no person shall sell or offer for sale

for use in motor vehicle brake systems in this State any hydraulic brake fluid of a type and brand other than those approved by the Commissioner of Motor Vehicles. Violation of the provisions of this subsection shall constitute a misdemeanor."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1144 CHAPTER 1276

AN ACT AMENDING SECTION 159-42 OF THE GENERAL STATUTES RELATING TO THE SCOPE OF THE LOCAL GOVERNMENT ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 159-42, as amended, is hereby amended by rewriting said Section so that the same shall hereafter read as follows:

"Sec. 159-42. Law Applicable to All Counties, Cities and Towns. The provisions of this Article shall apply to every unit having the power to levy taxes ad valorem, regardless of any provisions to the contrary in any general, special or local Act enacted before the adjournment of the Regular Session of the General Assembly in 1955."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1149 CHAPTER 1277

AN ACT REWRITING SECTION 1 OF CHAPTER 16, PRIVATE LAWS OF 1925, AND FIXING THE CORPORATE LIMITS OF THE TOWN OF BEULAVILLE IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 16, Private Laws of 1925, which rewrites Section 2 of Chapter 378, Private Laws of 1915, be and the same is hereby again rewritten to read as follows:

"BEGINNING at a stake which is located North fourteen degrees thirty minutes East 2045 feet from the intersection of the center of Jackson Street with the center of Front Street in said Town of Beulaville, said point of intersection being marked by a cement monument located at said intersection by R. W. Craft, surveyor, by direction of said town; and running from said stake so located at the northern terminus of said 2045 foot line, North seventy-four degrees thirty minutes West 3020 feet to an iron stake; thence South fourteen degrees thirty minutes West crossing the Hallsville public road 5000 feet to an iron stake; thence South seventy-

four degrees thirty minutes East 7280 feet to an iron stake; thence North fourteen degrees thirty minutes East 5000 feet to an iron stake; thence North seventy-four degrees thirty minutes West 4260 feet to the BEGINNING."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1153 CHAPTER 1278

AN ACT TO AMEND G. S. 160-59 RELATING TO THE SALE OF PROPERTY BY MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-59 is amended by adding at the end thereof the following:

"If, after the sale of any such property as herein provided, the governing body of any city or town shall be of the opinion, and shall find as a fact, that the amount offered for the property is inadequate, such governing body may reject such bid; and, after the expiration of seven days from the date of the findings of such fact and the rejection of such bid, such governing body may sell the property at private sale, provided the amount offered for the same is in excess of the amount offered at the public sale. A notice of the findings of fact and rejection of the bid shall be published in a newspaper having a circulation in such city or town during the seven-day period prescribed in this paragraph before any private sale may be had as herein provided."

Sec. 1½. Provided that the provisions of this Act shall apply only to Craven County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1159 CHAPTER 1279

AN ACT TO PROVIDE ADDITIONAL PROTECTION TO BORROWERS FROM SMALL LOAN AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. Article 15 of Chapter 53 of the General Statutes is hereby amended and rewritten as follows:

"Article 15. North Carolina Small Loans Act.

"Sec. 53-164. Supervision by Commissioner of Banks.

Loan agencies or brokers, as defined in G. S. 105-88, shall be under the supervision and control of the Commissioner of Banks. Such persons, firms or corporations (hereinafter referred to as 'lenders') shall, for purpose of defraying necessary expenses of the Commissioner of Banks and his agents in supervising them, pay to the Commissioner of Banks the fees prescribed in G. S. 53-122 at the times therein specified.

"Sec. 53-165. Limitation on Charges and Collateral.

"(a) Such lenders shall not, directly or indirectly, charge, demand of, contract for, or receive from their borrowers any amount or thing whatever except the following:

(1) The same fees and interest that may lawfully be charged by industrial banks on installment loans.

(2) Reasonable credit life insurance as defined in G. S. 58-195.2 and reasonable accident and health insurance as defined in G. S. 58-254.8, including reasonable hospitalization benefits, and the premiums therefor, together with a policy writing fee, all in accordance with, and in such amounts as may be from time to time authorized by the rules and regulations promulgated by the Commissioner of Insurance for the writing of insurance in connection with loans; provided, however, that in no event shall the amount of credit life insurance coverage exceed the original face amount of the specific contract of indebtedness in connection with which it is written; and provided, further, that credit accident and health insurance shall not be written in connection with any loan repayable over a period of less than 8 weeks.

(3) Liens on tangible property.

(4) The fees necessary to probate and record such liens.

(5) Endorsements of negotiable paper by third parties.

(b) Those fees and insurance premiums permitted by the terms of subsection (a) of this Section shall not be charged more frequently than once each sixty days by the same lender to the same borrower.

"Sec. 53-166. Restrictions as to Insurance.

(a) The term of those life insurance and accident and health insurance policies defined in G. S. 53-165 (a) (2) shall correspond to the term of the loan contract.

(b) If such insurance is written in connection with a loan, the insurer shall deliver the original policy or certificate of insurance to the insured borrower in accordance with the rules and regulations promulgated by the Commissioner of Insurance for the writing of insurance in connection with loans.

(c) If a loan obligation is discharged or if a new life insurance or accident and health insurance policy is issued, the credit life insurance or credit accident and health insurance on such obligation shall be discharged and the unearned portion of the insurance premium shall be refunded to the borrower; provided that if the unearned premiums total less than one dollar ($1.00), the provisions of this subsection shall not apply.

(d) The Commissioner of Insurance, in addition to the powers and duties granted him by G. S. 58-9, may, by order, suspend or cancel the right

of any lender and its officers, agents or representatives to sell and take insurance as authorized by this Article, when the Commissioner shall find that the lender has violated any provisions of this Article, or the rules and regulations referred to herein relating to the writing of insurance.

"Sec. 53-167. Written Statement of Rates in Force.

(a) At the time any loan is made, the lender shall deliver to the borrower a statement, which shall disclose in clear and distinct terms the amount and date of the loan, the amount of interest, fees, premiums, and charges, the type of security given for the loan, a schedule of payments to be made, and the name and address of the lender and of each person primarily obligated on the note.

(b) Each lender doing business in North Carolina shall display at each place of business a full and accurate schedule of the interest, fees, and charges upon all classes of loans made.

"Sec. 53-168. Receipts; Advance Payments.

(a) After each payment made on account of any loan, the lender shall give to the person making such payment a signed, dated receipt showing the amount paid and the balance due on the loan.

(b) Upon payment of the loan in full, the lender shall mark every note with the word 'paid' or 'cancelled,' and shall release any mortgage or restore any pledge. The cancelled note shall be returned to the borrower.

"Sec. 53-169. Securing of Information.

(a) Each lender shall maintain in his local office all records required by the Commissioner of Banks to be kept, and the Commissioner, his deputy, or duly authorized examiner is authorized and empowered to examine such records at all reasonable times.

(b) Each lender shall file quarterly with the Commissioner of Banks reports on forms prescribed by the Commissioner. Such reports shall disclose in detail and under appropriate headings the resources, assets and liabilities of such lender at the end of the quarter, and the income, expense, gain, loss and distribution of earnings and surplus during such quarter. Such reports shall be verified by the oath or affirmation of the owner, manager, president, vice president, cashier, secretary or treasurer of such lender.

(c) Each lender shall also file annually with the Commissioner of Banks such detailed information as to income, expense, gain, loss and distribution of earnings and surplus, including the amount and classification of such items, as the Commission may require.

"Sec. 53-170. Banking Commission to make rules and regulations.

The State Banking Commission is hereby authorized, empowered and directed to make all rules and regulations deemed by the Commission to be necessary or desirable in providing for the protection of the borrowing public and the efficient management of such lenders and to give all necessary instructions to such lenders for purpose of interpreting this Article. And it shall be the duty of all such lenders, their officers, agents and employees, to comply fully with all such rules, regulations and instructions, and with all such orders as the Commissioner of Banks may issue pursuant to the provisions of G. S. 53-169.

"Sec. 53-171. Revocation or Suspension of Right to do Business.

If the Commissioner of Banks shall find, after due notice and hearing, that any such lender, or an officer, agent or representative thereof has violated any of the provisions of this Article, or has failed to comply with the rules, regulations, instructions or orders promulgated by the State Banking Commission pursuant to the powers and duties prescribed herein, or has furnished false information to the Commissioner of Banks or the State Banking Commission, he shall issue an order revoking or suspending the right of such lender and such officer, agent or representative to do business in North Carolina as a loan agency or broker.

"Sec. 53-172. Penalties.

Any such lender, or any officer, agent or representative thereof who fails to comply with or who otherwise violates any of the provisions of this Article, shall be guilty of a misdemeanor, and each such violation shall be considered a separate offense.

"Sec. 53-173. Business of making certain loans on motor vehicles exempted.

Nothing in this Article shall be construed to apply to any person, firm or corporation engaged solely in the business of making loans of fifty dollars ($50.00) or more secured by motor vehicles."

Sec. 2. If any Section, subsection, clause, sentence or phrase of this Act is reasonably separable from the remaining portions of this Act or the application thereof in any particular case or to any particular person, is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act or their application in other cases or to other persons not similarly affected. The General Assembly hereby declares that it would have passed the remaining portions of this Act irrespective of the fact that any such notice, subsection, clause, sentence or phrase of this Article, or the said application thereof, be declared unconstitutional.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1174 CHAPTER 1280

AN ACT TO DEFINE THE WORD "EMPLOYER" IN THE GROUP LIFE INSURANCE LAWS SO AS TO INCLUDE A COUNTY, MUNICIPALITY OR ANY AGENCY, INSTRUMENTALITY OR SUBDIVISION OR ANY COUNTY OR MUNICIPALITY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-210, Volume 2B, as amended, is hereby further amended by adding the following to the end of subsection (1), paragraph (a):

"The term 'employer' as used herein may be deemed to include any county, municipality, or the proper officers, as such, of any unincorporated

municipality or any department, division, agency, instrumentality or subdivision of a county, unincorporated municipality or municipality. In all cases where counties, municipalities or unincorporated municipalities or any officer, agent, division, subdivision or agency of the same have heretofore entered into contracts and purchased group life insurance for their employees, such transactions, contracts and insurance and the purchase of the same is hereby approved, authorized and validated."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 25th day of May, 1955.

H. B. 1246 CHAPTER 1281

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE GREENSBORO CITY ADMINISTRATIVE UNIT TO PAY TO R. B. JORDAN A SUM NOT IN EXCESS OF $500 FOR DAMAGES SUSTAINED TO HIS AUTOMOBILE IN A COLLISION WITH A SCHOOL BUS.

WHEREAS, on November 5, 1951, and for some time prior thereto, the Board of Trustees of the Greensboro City Administrative Unit employed Tommie Joe Johnson, a school boy 17 years of age, as the driver of one of its school buses; and

WHEREAS, the Board of Trustees of the Greensboro City Administrative Unit operated school buses belonging to the State of North Carolina and also school buses belonging to the local unit; and

WHEREAS, the buses operated by the local unit through State appropriations were covered, insofar as negligent operation is concerned, by the 1951 Tort Claims Act of the General Assembly, but that a dispute exists as to the coverage of the school buses operated by the local unit from local supplemental funds; and

WHEREAS, the said Tommie Joe Johnson was paid by the Board of Trustees of the Greensboro City Administrative Unit from local supplemental funds, and the bus he operated had been purchased from local supplemental funds, all of which were unknown to the said Tommie Joe Johnson until after the accident hereinafter referred to; and

WHEREAS, on November 5, 1951, Tommie Joe Johnson, while operating the said school bus as an employee of the Board of Trustees of the Greensboro City Administrative Unit, was involved in an accident with an automobile owned and operated by R. B. Jordan, of Greensboro, North Carolina, at the intersection of Asheboro Street and Benbow Road in the City of Greensboro; and

WHEREAS, the Board of Trustees of the Greensboro City Administrative Unit, through its attorney, rules that the said unit could not legally pay the damages sustained by R. B. Jordan to his automobile; and

WHEREAS, the said R. B. Jordan thereafter brought a civil action

against Tommie Joe Johnson, infant, individually, for the damages sustained to his automobile and obtained a judgment against the said Tommie Joe Johnson, infant, individually, in the amount of four hundred and fifty dollars ($450.00) plus the costs of the action in the amount of ten dollars ($10.00); Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Trustees of the Greensboro City Administrative Unit is hereby authorized and empowered, in its discretion, to pay to R. B. Jordan, or his attorney of record, the judgment of the Civil Division of the Greensboro Municipal-County Court in favor of the said R. B. Jordan, in the sum of four hundred and fifty dollars ($450.00), and the costs of the action in the amount of ten dollars ($10.00), as the damages sustained to his automobile, such payment to be made out of any funds available therefor.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1275 CHAPTER 1282

AN ACT TO EXEMPT SCHOOL BUS DRIVERS FROM THE PROVISIONS OF THE FINANCIAL RESPONSIBILITY ACT.

The General Assembly of North Carolina do enact:

Section 1. Article 9A of Chapter 20 of the General Statutes is hereby amended by inserting therein immediately following Section 20-279.32 a new Section, to be designated Section 20-279.32A and to read as follows:

"20-279.32A. Exception of School Bus Drivers.—The provisions of this Article shall not apply to school bus drivers with respect to accidents or collisions in which they are involved while operating school busses in the course of their employment."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1276 CHAPTER 1283

AN ACT TO PROVIDE FOR THE DETERMINATION AND PAYMENT OF TORT CLAIMS AGAINST COUNTY AND CITY ADMINISTRATIVE UNITS FOR INJURIES ARISING OUT OF THE OPERATION OF PUBLIC SCHOOL BUSES.

The General Assembly of North Carolina do enact:

Section 1. The provisions of Article 31 of Chapter 143 of the General Statutes of North Carolina are hereby amended by adding at the end

thereof a new Section to be designated Section 143-300.1, and to read as follows:

"143-300.1. Claims against county and city boards of education for accidents involving school buses.—(a) The North Carolina Industrial Commission shall have jurisdiction to hear and determine tort claims against any county board of education or any city board of education, which claims arise as a result of any alleged negligent act or omission of the driver of a public school bus who is an employee of the county or city administrative unit of which such board is the governing board, and which driver was at the time of such alleged negligent act or omission operating a public school bus in the course of his employment by such administrative unit or such board. The liability of such county or city board of education, the defenses which may be asserted against such claim by such board, the amount of damages which may be awarded to the claimant, and the procedure for filing, hearing and determining such claim, the right of appeal from such determination, the effect of such appeal, and the procedure for taking, hearing and determining such appeal shall be the same in all respects as is provided in this Article with respect to tort claims against the State Board of Education except as hereinafter provided. Any claim filed against any county or city board of education pursuant to this Section shall state the name and address of such board, the name of the employee upon whose alleged negligent act or omission the claim is based, and all other information required by Section 143-297 in the case of a claim against the State Board of Education. Immediately upon the docketing of a claim, the Industrial Commission shall forward one copy of the plaintiff's affidavit to the superintendent of the schools of the county or city administrative unit against the governing board of which such claim is made. It shall thereupon be the duty of such superintendent to deliver such affidavit promptly to the attorney for such county or city board of education. All notices with respect to tort claims against any such county or city board of education shall be given to the superintendent of schools of the county or city administrative unit of which such board is the governing board.

(b) The Attorney General shall not be charged with any duty with reference to tort claims against such county or city board of education, but it shall be the duty of the attorney of such board to perform for such board with reference to such claims all duties which the Attorney General is required by this Article to perform in respect to tort claims against the State Board of Education.

(c) In the event that the Industrial Commission shall make any award of damages against any county or city board of education pursuant to this Act, such county or city board shall draw a requisition upon the State Board of Education for the amount required to pay such award. The State Board of Education shall honor such requisition to the extent that it shall then have in its hands, or subject to its control, available funds which have been or shall thereafter be appropriated by the General Assembly for the support of the nine months school term. It shall be the duty of the county or city board of education to apply all funds received by it from the State Board of Education pursuant to such requisition to the

payment of such award. Neither the county or city board of education, the county or city administrative unit, nor the tax levying authorities for the county or city administrative unit shall be liable for the payment of any award made pursuant to the provisions of this Act in excess of the amount paid upon such requisition by the State Board of Education.

(d) Neither the State Board of Education nor any other department, institution or agency of the State shall be liable for the payment of any tort claim arising out of the operation of any public school bus, or for the payment of any award made pursuant to the provisions of this Article on account of any such claim.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1278 CHAPTER 1284

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF THE CHAPEL HILL ADMINISTRATIVE UNIT AS A SPECIAL BOND TAX UNIT AND THE LEVY OF TAXES WITHIN SUCH UNIT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt of a petition, signed by not less than fifteen per cent (15%) of the qualified voters of the territory embraced within the Chapel Hill City Administrative Unit and described in such petition, praying that bonds or notes be issued under the provisions of this Act, the Board of County Commissioners of Orange County shall order a special election to be held in such school district for the purpose of voting upon the question of issuing bonds or notes and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings, including gymnasiums, agricultural buildings, shops, school cafeterias and other necessary buildings, and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the board of county commissioners shall designate the polling place or places, appoint the registrars and judges, and canvas and judicially determine the results of the election upon filing with it of the elections returns by the officers holding the election, and shall record such determination on their records, which shall be conclusive of all the facts therein found and determined. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, unless the district or unit is coterminous with a city, town or township (in which event the notice shall so state), the maximum amount of bonds or notes to be issued, the purpose or purposes for which the bonds or notes are to be issued,

and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds or notes. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty (30) days before the close of the registration books. The notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturday. The books of such new registration shall close on the second Saturday before election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballots, shall be in substantially the words: "For the issuance of $.....School Bonds or Notes and the levying of a sufficient tax for the payment thereof," and "Against the issuance of $.....School Bonds or Notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereon may be printed on one ballot, containing squares opposite the affirmative and negative forms, in one of which squares the voter may make a cross (X) mark. The petition herein provided for shall be filed with the Board of Commissioners of Orange County and referred to the Board of Elections of Orange County to determine the sufficiency thereof, and upon a finding by said board that the petition meets the requirements of this Section, the chairman of said board shall file a certificate to that effect with the Chairman of the Board of Commissioners of Orange County.

Sec. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Orange County, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Orange County as aforesaid and the other filed with the Clerk of the Superior Court of Orange County. The Board of County Commissioners of Orange County shall prepare a statement showing the number of votes cast for and against the bonds or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Sec. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such

unit, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the publication of such statement of results as provided in the preceding Section.

Sec. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds or notes and the levy of such tax, then the Board of Commissioners of Orange County shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds or notes, which bonds or notes shall be issued in the name of the county, but shall be made payable exclusively out of the taxes to be levied in such district or such unit, except the Board of County Commissioners of Orange County may pay from county funds any part of the principal and interest of said bonds or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as to the Board of County Commissioners of Orange County may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty (30) years after such date. No such installment shall be more than two and one-half (2½) times as great in amount as the smallest prior installment, of the same bond issue. The bonds or notes shall bear interest at a rate not exceeding six per cent (6%) per annum, payable semi-annually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the Chairman of the Board of County Commissioners of Orange County, and the seal of the county shall be affixed to or impressed upon each bond or note and attested by the register of deeds or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 5. The Board of County Commissioners of Orange County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds or notes.

Sec. 6. In the event the boundary lines of the territory embracing

the Chapel Hill City Administrative Unit are hereafter changed or altered, this Act shall apply to and within the territory embracing said unit at the time of the filing of the petition and the holding of the election as provided for in this Act. No change or alteration of the boundary lines of said unit shall in any way affect the validity of this Act.

Sec. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds or notes, or any provisions of law for the payment of bonds or notes issued under such powers, or for the custody of moneys provided for such payment.

Sec. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds or notes and endorsements of such approval upon such bonds or notes and as to the sale of bonds or notes and the disposition of the proceeds, shall be applicable to the bonds or notes authorized by this Act. The proceeds shall be paid out only upon order of the Board of Education of the Chapel Hill City Administrative Unit.

Sec. 9. This Act shall apply only to Chapel Hill City Administrative Unit and Orange County.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1290 CHAPTER 1285

AN ACT TO AMEND G. S. 105-242 RELATING TO GARNISHMENT FOR STATE TAXES SO AS TO MAKE THE SAME MORE NEARLY UNIFORM WITH GARNISHMENT STATUTES RELATING TO LOCAL TAXES, BY REPEALING THE TWO-HUNDRED-DOLLAR MINIMUM SALARY LIMITATION AND BY CLARIFYING THE APPLICABILITY OF SAID STATUTE TO GOVERNMENTAL EMPLOYEES.

WHEREAS, it is desirable as a matter of uniformity to clarify the laws relating to garnishment for State taxes so as to make certain that the same are applicable to governmental employees as is the case with respect to statutes relating to garnishment for local ad valorem taxes; and

WHEREAS, garnishment would be made a more effective procedure for collecting State taxes if the limitation as to a minimum salary of two hundred dollars ($200.00) were removed, thus conforming in such respect the State tax garnishment laws to the local tax garnishment laws: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-242 is hereby amended by adding at the end of subsection 2 thereof a new paragraph to read as follows:

"This subsection shall be applicable with respect to the wages, salary or other compensation of officials and employees of this State and its agencies and instrumentalities, officials and employees of political subdivisions of this State and their agencies and instrumentalities, and also officials and employees of the United States and its agencies and instrumentalities insofar as the same is permitted by the Constitution and laws of the United States. In the case of State or Federal employees, the notice shall be served upon such employee and upon the head or chief officer of the department, agency, instrumentality or institution by which the taxpayer is employed. In case the taxpayer is an employee of a political subdivision of the State, the notice shall be served upon such employee and upon the chief fiscal officer, or any officer or person charged with making up the payrolls, or disbursing funds, of the political subdivision by which the taxpayer is employed. Such head or chief officer or fiscal officer or other person as specified above shall thereafter, subject to the limitations herein provided, make deductions from the salary or wages due or to become due the taxpayer and remit same to the Commissioner until the tax, penalty, interest and costs allowed by law are fully paid. Such deductions and remittances shall, pro tanto, constitute a satisfaction of the salary or wages due the taxpayer."

Sec. 2. Subsection 2 of G. S. 105-242 is hereby amended by striking out the colon immediately following the word "unsatisfied" in the fourth line from the end thereof, inserting a period in lieu thereof, and striking out the remainder of said subsection, which reads as follows: "Provided, however, that no salary or wage at the rate of less than two hundred dollars ($200.00) per month, whether paid weekly or monthly, shall be attached or garnished under the provisions of this Section."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1291 CHAPTER 1286

AN ACT TO REWRITE G. S. 1-339.72, AS THE SAME APPEARS IN VOLUME 1A OF THE GENERAL STATUTES OF NORTH CAROLINA, VALIDATING CERTAIN JUDICIAL FORECLOSURES AND OTHER SALES AS TO PUBLICATION OF NOTICE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-339.72, as the same appears in Volume 1A of the General Statutes of North Carolina is rewritten to read as follows: "All sales of real property under execution, deed of trust, mortgage or other contracts made since February 21, 1929, where notice of the original sale

was published for four successive weeks, and notice of any resale was published for two successive weeks, shall be and the same are in all respects validated as to publication of notice."

Sec. 1½. This Act shall not apply to pending litigation.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1302 CHAPTER 1287

AN ACT TO AMEND ARTICLE 28B OF CHAPTER 106, AS THE SAME APPEARS IN THE CUMULATIVE SUPPLEMENT OF 1953 OF THE GENERAL STATUTES, SO AS TO CLARIFY CERTAIN CLERICAL ERRORS IN SAID ARTICLE.

WHEREAS, it appears that certain clarifying amendments are needed in order to clear up certain errors and ambiguities appearing in Article 28B of Chapter 106 of the General Statutes, as the same appears in the 1953 Cumulative Supplement, the said errors and ambiguities consisting of the use of the word "Commissioner" in said Article when it was intended to use the word "Commission", said errors causing said Article to read as if certain powers had been given to the Commissioner of Agriculture, when in truth and in fact it was the intention of the draftsman of the Article to vest and confer said powers on the North Carolina Milk Commission: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Amend subsection (d) of G. S. 106-266.7 of Volume 3A of the General Statutes, as the same appears in the 1953 Cumulative Supplement of said Volume 3A, by striking out the word "Commissioner", as the same appears in the first line of said subsection (d) of said Section, and by inserting in lieu thereof the word "Commission".

Sec. 2. Amend subsection (f) of G. S. 106-266.8, as the same appears in the 1953 Cumulative Supplement of Volume 3A of the General Statutes, by striking out the word "Commissioner", as the same appears in the second line of said subsection (f) of said Section, and by inserting in lieu thereof the word "Commission".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1326 **CHAPTER 1288**

AN ACT TO AMEND CHAPTER 1027 OF THE 1949 SESSION LAWS OF NORTH CAROLINA RELATIVE TO THE SALARIES OF THE JUDGE AND SOLICITOR OF THE CITY OF ASHEVILLE POLICE COURT.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 1027 of the 1949 Session Laws of North Carolina be amended by striking out the words and figures "forty-eight hundred dollars ($4800.00)", in line two of Section 1, and inserting in lieu thereof the words and figures "six thousand dollars ($6,000.00)".

Sec. 2. That Chapter 1027 of the 1949 Session Laws of North Carolina be amended by striking out the words and figures "thirty-six hundred dollars ($3600.00)", in lines two and three of Section 2, and inserting in lieu thereof the words and figures "forty-two hundred dollars ($4200.00)".

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1329 **CHAPTER 1289**

AN ACT AUTHORIZING THE ISSUANCE OF REVENUE BONDS BY THE BOARDS OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA, EAST CAROLINA COLLEGE, WESTERN CAROLINA COLLEGE, AND APPALACHIAN STATE TEACHERS COLLEGE TO PAY THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING OR IMPROVING DORMITORIES AT THEIR RESPECTIVE INSTITUTIONS; PROVIDING FOR THE ISSUANCE OF REVENUE REFUNDING BONDS; AND PROVIDING FOR THE IMPOSITION OF INCREASED RENTALS FOR SUCH FACILITIES AND FOR SIMILAR FACILITIES AND FOR PLEDGING SUCH INCREASED RENTALS TO THE PAYMENT OF SUCH BONDS AND MAKING APPROPRIATIONS NECESSARY TO PERMIT ISSUANCE OF SUCH BONDS.

The General Assembly of North Carolina do enact:

Section 1. As used in this Act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent.

(a) The word "Board" shall mean the Board of Trustees of The University of North Carolina, of East Carolina College, of Western Carolina College, and of Appalachian State Teachers College.

(b) The word "cost" as applied to a project shall include the cost of acquisition or construction, the cost of all labor, materials and equipment, the cost of all lands, property, rights and easements acquired, financing charges, interest prior to and during construction and, if deemed advisable

by the Board, for one year after completion of construction, cost of plans and specifications, surveys and estimates of cost and or revenues, cost of engineering and legal services, and all other expenses necessary or incident to such acquisition or construction, administrative expense and such other expenses, including reasonable provision for initial operating expenses, as may be necessary or incident to the financing herein authorized. Any obligation or expense incurred by the Board prior to the issuance of bonds under the provisions of this Act in connection with any of the foregoing items of cost may be regarded as a part of such cost.

(c) The word "Institution" shall mean each of the following institutions comprising The University of North Carolina: The University of North Carolina (at Chapel Hill), the North Carolina State College of Agriculture and Engineering of the University of North Carolina, and the Woman's College of the University of North Carolina; East Carolina College; Western Carolina College; and Appalachian State Teachers College.

(d) The word "project" shall mean and shall include any one or more dormitories, with or without dining facilities, and any enlargements or improvements thereof or additions thereto, for students at any Institution, together with the necessary land and equipment.

(e) The revenues from facilities existing at the date of the passage of this Act which may be pledged against bonds to be issued hereunder shall be only those revenues arising by virtue of increased rates above those now charged for the use of those facilities.

Sec. 2. The Board of Trustees of The University of North Carolina, of East Carolina College, of Western Carolina College, and of Appalachian State Teachers College is hereby authorized to issue, at one time or from time to time, revenue bonds of the Board for the purpose of acquiring or constructing any project or projects. The bonds of each issue shall be dated, shall mature at such time or times not exceeding forty years from their date or dates, shall bear interest at such rate or rates not exceeding five per centum (5%) per annum, as may be determined by the Board, and may be made redeemable before maturity, at the option of the Board, at such price or prices and under such terms and conditions as may be fixed by the Board prior to the issuance of the bonds. The Board shall determine the form and manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any of the other provisions of this Act or any recitals in any bonds issued under the provisions of this Act, all such bonds shall be deemed to be negotiable instruments under the laws of this State. The bonds may be issued in coupon or registered form or both, as the Board may determine, and provision may be made for the registration of any coupon bonds as to principal alone and

also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The Board may sell such bonds in such manner, at public sale, and for such price, as it may determine to be for the best interests of the Board, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five per centum (5%) per annum, computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity.

The proceeds of the bonds of each issue shall be used solely for the purpose for which such bonds shall have been authorized and shall be disbursed in such manner and under such restrictions, if any, as the Board may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. Unless otherwise provided in the authorizing resolution or in the trust agreement securing such bonds, if the proceeds of such bonds, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit and shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose.

The resolution providing for the issuance of revenue bonds, and any trust agreement securing such bonds, may also contain such limitations upon the issuance of additional revenue bonds as the Board may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust agreement.

Prior to the preparation of definitive bonds, the Board may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Board may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost.

Bonds may be issued by the Board under the provisions of this Act, subject to the approval of the Advisory Budget Commission, but without obtaining the consent of any other commission, board, bureau or agency of the State, and without any other proceedings or the happening of any other conditions or things than those consents, proceedings, conditions or things which are specifically required by this Act.

Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the State of North Carolina or a pledge of the faith and credit of the State, but such bonds shall be payable solely from the funds herein provided therefor and a statement to that effect shall be recited on the face of the bonds.

Sec. 3. So long as any bonds issued under this Act shall be outstanding the Board shall fix, and may revise from time to time, rentals for the facilities to be furnished by any project financed under this Act or for the right to use any such facilities or to receive any such services. Such rentals shall be fixed and revised so that the revenues received by the Board from

any project or projects, together with any other available funds, will be sufficient at all times (a) to pay the cost of maintaining, repairing and operating such project or projects, including reserves for such purposes, and (b) to pay when added to increased rentals from existing facilities the principal of and the interest on the bonds for the payment of which such revenues are pledged and to provide reserves therefor.

The Board shall increase the rentals for the facilities furnished by any existing dormitories at any Institution to provide, to the extent necessary, additional funds to liquidate in full any revenue bonds issued under this Act.

The Board is further authorized to make and enforce and to contract to make and enforce parietal rules that shall insure the maximum use of any project or existing facilities.

Sec. 4. In the discretion of the Board and subject to the approval of the Advisory Budget Commission, each or any issue of revenue bonds may be secured by a trust agreement by and between the Board and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State. The resolution authorizing the issuance of the bonds or such trust agreement may pledge to the extent necessary the revenues to be received from any project or projects at any Institution and from any similar existing facilities described in Section 1 (d) at the same Institution, in excess of amounts now charged to each occupant of such project, but shall not convey or mortgage any such project or existing facilities, and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Board in relation to the acquisition or construction of such project or projects and in relation to the maintenance, repair, operation and insurance of such project or projects and such existing facilities, the fixing and revising of rentals; and, the custody, safeguarding and application of all moneys, and for the employment of consulting engineers or architects in connection with such acquisition, construction or operation. Notwithstanding the provisions of any other law the Board may carry insurance on any such project or projects in such amounts and covering such risks as it may deem advisable. It shall be lawful for any bank or trust company incorporated under the laws of the State of North Carolina which may act as depositary of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Board. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustees, if any, and may restrict the individual right of action by bondholders. Such resolution or trust agreement may contain such other provisions in addition to the foregoing as the Board may deem reasonable and proper for the security of the bondholders.

The Board may provide for the payment of the proceeds of the sale of the bonds and the revenues of any project or existing facilities or part thereof to such officer, board or depositary as it may designate for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in

carrying out the provisions of such resolution or trust agreement may be treated as a part of the cost of operation.

All pledges of revenues under the provisions of this Act shall be valid and binding from the time when such pledges are made. All such revenues so pledged and thereafter received by the Board shall immediately be subject to the lien of such pledges without any physical delivery thereof or further action, and the lien of such pledges shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Board, irrespective of whether such parties have notice thereof.

Sec. 5. The Board may authorize its Executive Committee to sell any bonds which the Board has, with the approval of the Advisory Budget Commission, authorized to be issued under this Act in such manner and under such limitations or conditions as the Board shall prescribe and to perform such other functions under this Act as the Board shall determine.

Sec. 6. All moneys received pursuant to the authority of this Act shall be deemed to be trust funds, to be held and applied solely as provided in this Act. The resolution authorizing the issuance of bonds or the trust agreement securing such bonds shall provide that any officer to whom, or bank, trust company or fiscal agent to which, such moneys shall be paid shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as such resolution or trust agreement may provide.

Sec. 7. Any holder of revenue bonds issued under the provisions of this Act or of any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent that the rights herein given may be restricted by the resolution authorizing the issuance of such bonds or by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State of North Carolina or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this Act or by such resolution or trust agreement to be performed by the Board or by any officer thereof, including the fixing, charging and collecting of fees, rentals and other charges.

Sec. 8. The Board is hereby authorized, subject to the approval of the Advisory Budget Commission, to issue from time to time revenue refunding bonds for the purpose of refunding any revenue bonds issued by the Board in connection with any project or projects at any one Institution, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds. The Board is further authorized, subject to the approval of the Advisory Budget Commission, to issue from time to time revenue refunding bonds for the combined purpose of (a) refunding any revenue bonds or revenue refunding bonds issued by the Board in connection with any project or projects at any one Institution, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of acquiring or constructing any additional

project or projects at the same Institution. The issuance of such bonds, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties and obligations of the Board with respect to the same, shall be governed by the foregoing provisions of this Act insofar as the same may be applicable.

Sec. 9. The Board is hereby authorized, subject to the approval of the Advisory Budget Commission, to accept grants of money or materials or property of any kind for any project from a Federal agency, private agency, corporation or individual, upon such terms and conditions as such Federal agency, private agency, corporation or individual may impose. The bonds issued under the provisions of this Act and the income therefrom shall at all times be free from taxation within the State.

Sec. 10. This Act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of or as repealing any powers now existing under any other law, either general, special or local; provided, however, that the issuance of revenue bonds or revenue refunding bonds under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

Sec. 11. In order that such increases in dormitory rentals above present levels at the University of North Carolina in Chapel Hill, at North Carolina State College, and at East Carolina College, which were anticipated for the purpose of decreasing appropriations made for the next biennium, may, as may be necessary, be applied on the interest and principal of revenue bonds which may be issued under this Act, the appropriation to the University of North Carolina at Chapel Hill is hereby increased by eighty-one thousand dollars ($81,000.00) each year of the next biennium; the appropriation to North Carolina State College is hereby increased by twenty-one thousand dollars ($21,000.00) each year of the next biennium; and the appropriation to East Carolina College is hereby increased by twelve thousand five hundred dollars ($12,500.00) each year of the next biennium.

Sec. 12. The revenue bonds to be issued under this Act shall not exceed two million dollars ($2,000,000.00) for projects constructed at the University of North Carolina in Chapel Hill, two million dollars ($2,000,000.00) for projects constructed at North Carolina State College of Agriculture and Engineering in Raleigh, one million dollars ($1,000,000.00) for projects constructed at the Woman's College of the University of North Carolina in Greensboro, one million five hundred thousand dollars ($1,500,000.00) at East Carolina College, five hundred thousand dollars ($500,000.00) at Western Carolina College, and one million dollars ($1,000,000.00) at Appalachian State Teachers College.

All power and authority to issue revenue bonds under the provisions of this Act shall expire and terminate on December 31, 1958.

Sec. 13. All general, special or local laws, or parts thereof, inconsistent herewith are hereby declared to be inapplicable to the provisions of this Act.

Sec. 14. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent juris-

diction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1338 CHAPTER 1290

AN ACT REPEALING CHAPTER 1234, SESSION LAWS OF 1953 AND TRANSFERRING THE APPROPRIATION MADE IN SECTION 4 OF SAID ACT TO THE STATE DEPARTMENT OF ARCHIVES AND HISTORY FOR THE PURPOSE OF AIDING SAID DEPARTMENT TO ACQUIRE THE ZEBULON BAIRD VANCE BIRTHPLACE AND TO ESTABLISH THE SAME AS A PERPETUAL MEMORIAL TO THE NAME AND MEMORY OF ZEBULON BAIRD VANCE.

The General Assembly of North Carolina do enact:

Section 1. That all of Chapter 1234, Session Laws of 1953 be and the same is hereby repealed.

Sec. 2. That the appropriation out of the General Fund of the State of North Carolina of the sum of five thousand dollars ($5,000.00) to the Zebulon Baird Vance Memorial Commission contained in Section 4 of said Act is hereby transferred to the State Department of Archives and History for the sole purpose of aiding said Department to acquire the Zebulon Baird Vance birthplace and surrounding property and to establish the same as a perpetual memorial to the name and memory of Zebulon Baird Vance.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1343 CHAPTER 1291

AN ACT TO LEGALIZE AND VALIDATE THE MUNICIPAL ELECTION OF THE TOWN OF BAKERSVILLE IN MITCHELL COUNTY FOR THE YEAR 1955, WHICH SAID ELECTION, DUE TO INADVERTENCE AND MISTAKE, WAS NOT HELD ON THE DATE REQUIRED BY LAW, AND TO FIX THE TERM OF OFFICE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BAKERSVILLE.

WHEREAS, the time fixed by law for the election of municipal officials of the Town of Bakersville in Mitchell County is the first Tuesday in May, 1955, and quadrennially thereafter; and

WHEREAS, through some oversight, mistake and inadvertence on the

part of the municipal officials of the Town of Bakersville it was considered and thought that said election should be held on the first Saturday in May, or, that is, on the 7th day of May, 1955; and

WHEREAS, said election was erroneously and inadvertently held on the 7th day of May, 1955, and the mayor and board of aldermen have been declared to have been elected and have been inducted into office, and the expense of holding said election has already accrued and has been paid, and it is now desired that the officers so elected shall be declared to be elected in a legal manner to the end that no further expense shall be incurred in holding another election or having another date set by the General Assembly for said election: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The municipal election for the Town of Bakersville in Mitchell County, held on May 7, 1955, in which the mayor and board of aldermen were chosen and declared to be elected, shall in all respects be deemed to be the proper, legal and valid date of election for the said Town of Bakersville for the year 1955. That all preliminary registrations, preparation of election records and books, printing of official ballots and other steps taken for said election which was held on May 7, 1955, shall be deemed to be legal, proper and valid, and any and all preliminary procedures and steps are hereby declared to be lawful and are hereby validated.

Sec. 2. That any and all municipal officers elected in the Town of Bakersville in said election held on May 7, 1955, are hereby declared elected in a legal, proper and valid election, and such persons shall be deemed to hold their offices with legal and valid status in any and all respects and with the same force and effect as if said election had been held on Tuesday, May 3, 1955.

Sec. 3. That the Mayor and Board of Aldermen elected for the Town of Bakersville in said election held on Saturday, May 7, 1955, shall hold their respective offices until the first Tuesday in May, 1957, and on the first Tuesday in May, 1957, and biennially thereafter there shall be elected a Mayor and three Aldermen for the Town of Bakersville who shall serve for terms of two years each and until their successors are elected and qualified.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1346 CHAPTER 1292

AN ACT TO PERMIT COUNTY AND CITY BOARDS OF EDUCATION TO REQUISITION FROM THE STATE BOARD OF EDUCATION FUNDS TO PAY AWARDS TO SCHOOL BUS DRIVERS UNDER THE WORKMEN'S COMPENSATION ACT.

The General Assembly of North Carolina do enact:

Section 1. The provisions of Article 21 of Chapter 115 of the General Statutes of North Carolina are hereby amended by inserting at the end

thereof a new Section to be appropriately numbered and to read as follows:

"Payment of awards to school bus drivers pursuant to the Workmen's Compensation Act.—In the event that the Industrial Commission shall make an award pursuant to the Workmen's Compensation Act against any county or city board of education on account of injuries to or the death of a school bus driver arising out of and in the course of his employment as such driver, the county or city board of education shall draw a requisition or requisitions upon the State Board of Education for the amount required to pay such award. The State Board of Education shall honor such requisition to the extent that it shall have in its hands, or subject to its control, available funds which have been or shall thereafter be appropriated by the General Assembly for the support of the nine months school term. It shall be the duty of the county or city board of education to apply all funds received by it from the State Board of Education pursuant to such requisition to the payment of such award. Neither the State nor the State Board of Education shall be deemed the employer of such school bus driver, nor shall the State or the State Board of Education be liable to any school bus driver or any other person for the payment of any claim, award, or judgment under the provisions of the Workmen's Compensation Act or of any other law of this State for any injury or death arising out of or in the course of the operation by such driver of a public school bus. Neither the county or city board of education, the county or city administrative unit, nor the tax levying authorities for the county or city administrative unit shall be liable for the payment of any award made pursuant to the provisions of this Act in excess of the amount paid upon such requisition by the State Board of Education, nor shall the county or city board of education, the county or city administrative unit, nor the said tax levying authorities be required to provide or carry workmen's compensation insurance for such purpose."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1348 CHAPTER 1293

AN ACT TO PROVIDE FOR THE APPOINTMENT BY THE BOARD OF COUNTY COMMISSIONERS OF MOORE COUNTY OF A JUDGE PRO TEMPORE AND A SOLICITOR PRO TEMPORE OF THE MOORE COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Moore County are authorized and empowered to appoint a judge pro tempore of the Moore County Recorder's Court, who, after taking the oath prescribed for the judge, shall have and exercise the power and authority of the judge in the event of the incapacity of said judge, his absence from any session of court, or his

disqualification in the trial of any cause. The term of such judge pro tempore shall run concurrently with the term of the judge. Any vacancy in said office shall be filled by the Board of Commissioners of Moore County. Compensation for such judge pro tempore shall be fixed by said Board of Commissioners of Moore County on a per diem basis.

Sec. 2. The Board of Commissioners of Moore County are authorized and empowered to appoint a solicitor pro tempore for the Moore County Recorder's Court, who, after taking the oath prescribed for the solicitor, shall exercise the duties of the solicitor in the event of the incapacity of said solicitor, his absence from any session of court, or his disqualification in the trial of any cause. The term of such solicitor pro tempore shall run concurrently with the term of the solicitor. Any vacancy in said office shall be filled by the Board of Commissioners of Moore County. Compensation for such solicitor pro tempore shall be fixed by said Board of Commissioners of Moore County on a per diem basis.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1357 CHAPTER 1294

AN ACT REPEALING CHAPTER 80, SESSION LAWS OF 1947, ALLOWING A MEMBER OF THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY TO ACT AS TAX SUPERVISOR.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 80, Session Laws of 1947, amending Chapter 492, Public-Local Laws of 1929, be and the same is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1358 CHAPTER 1295

AN ACT TO AMEND HOUSE BILL NO. 848, RATIFIED 15 APRIL 1955, RELATING TO THE FEES FOR THE REGISTER OF DEEDS OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The fourth paragraph of Section 1 of House Bill 848, ratified 15 April 1955, is amended by striking out in said paragraph the words and figures "one dollar ($1.00)" and substituting in lieu thereof the words and figures "seventy-five cents (75c)".

Sec. 2. The fifth paragraph of Section 1 of said House Bill 848 is

amended by striking out in said paragraph the words and figures "one dollar and seventy-five cents ($1.75)" and inserting in lieu thereof the words and figures "one dollar and a half ($1.50)".

Sec. 3. The sixth paragraph of Section 1 of said House Bill 848 is amended by striking out the words and figures "two dollars and twenty-five cents ($2.25)" in said paragraph, and inserting in lieu thereof the words and figures "two dollars ($2.00)".

Sec. 4. The seventh paragraph of Section 1 of said House Bill 848 is amended by striking out in said paragraph the words and figures "two dollars and twenty-five cents ($2.25)" and inserting in lieu thereof the words and figures "two dollars ($2.00)".

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1361 CHAPTER 1296

AN ACT TO AMEND SECTION 20-281 OF VOLUME 1C OF THE GENERAL STATUTES RELATING TO LIABILITY INSURANCE AS A PREREQUISITE TO ENGAGING IN BUSINESS AND THE COVERAGE OF POLICY.

The General Assembly of North Carolina do enact:

Section 1. Section 20-281 of Volume 1C of the General Statutes as the same appears in the 1953 Cumulative Supplement of said Volume is hereby amended by adding a proviso at the end of said Section which shall read as follows:

"Provided, however, that nothing in this Act shall prevent such operators from qualifying as self-insurers under terms and conditions to be prepared and prescribed by the Commissioner of Motor Vehicles or by giving bond with personal or corporate surety, as now provided by G. S. 20-279.24, in lieu of securing the insurance policy hereinbefore provided for."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1362 CHAPTER 1297

AN ACT TO CLARIFY THE LAW RELATING TO THE ELECTION OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF DENTON TO THE END THAT THE CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES SHALL BE DECLARED ELECTED.

The General Assembly of North Carolina do enact:

Section 1. At the regular municipal election to be held in the Town of Denton on the first Monday in May, 1956, and biennially thereafter, the candidate for Mayor receiving the highest number of votes and the five candidates for Commissioner of the Town of Denton receiving the highest number of votes shall be deemed and declared to be elected.

Sec. 2. That all provisions of the Charter of the Town of Denton and all general and local Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1363 CHAPTER 1298

AN ACT TO AMEND CHAPTER 72 OF THE PUBLIC-LOCAL LAWS OF 1951 RELATING TO THE DRAWING OF JURIES IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 72 of the Public-Local Laws of 1941 is hereby rewritten to read as follows:

"Sec. 3. That for the first terms of Superior Court of Granville County to be held after January 1 and July 1 of each year, the Board of Commissioners of said county shall cause to be drawn from the jury box forty-eight scrolls for such term, and that for each week of any other term thereafter, said commissioners shall cause to be drawn from the jury box thirty scrolls. The persons whose names are inscribed on said scrolls shall serve as jurors at the term of Superior Court to be held for the county next ensuing such drawing and for which they are drawn, provided that those persons selected at the first terms after January 1 and July 1 of each year to serve as grand jurors shall serve as such grand jurors as provided by Chapter two hundred thirty-six of the Public-Local Laws of one thousand nine hundred thirty-nine."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1367 **CHAPTER 1299**

AN ACT TO FURTHER AMEND THE CHARTER OF THE TOWN OF NORTH WILKESBORO TO PROVIDE FOR A SEAL OF THE MAYOR'S COURT AND TO AUTHORIZE THE BOARD OF TOWN COMMISSIONERS TO APPOINT A DEPUTY CLERK FOR SAID TOWN IN THEIR DISCRETION.

The General Assembly of North Carolina do enact:

Section 1. That Section 10 of Chapter 144 of the Private Laws of 1913 be amended by striking out the words "the seal of the Town of North Wilkesboro is hereby made the seal of the mayor's court" following the last semicolon in said Section and inserting in lieu thereof the following: "Said court shall have a seal with the impression 'Mayor's Court of the Town of North Wilkesboro', which seal shall be used in attestation of writs, warrants, or other process or acts, judgments or decrees of said court, in the same manner and to the same effect as the seals of other courts of record in the State of North Carolina."

Sec. 2. That Section 27 of Chapter 144 of the Private Laws of 1913 be amended by adding the following at the end of said Section: "That the board of town commissioners be authorized, in their discretion, to appoint a deputy town clerk who shall work under the control and supervision of the town clerk."

Sec. 3. That Section 28 of Chapter 144 of the Private Laws of 1913 be amended by adding the following at the end of said Section: "That the board of town commissioners be authorized, in their discretion, to appoint a deputy tax collector who shall work under the control and supervision of the tax collector, and such deputy tax collector shall be required to give a good and sufficient bond of such amount as the board of town commissioners may require."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1368 **CHAPTER 1300**

AN ACT TO AMEND CHAPTER 839 OF THE SESSION LAWS OF 1951 RELATING TO CERTAIN FEES OF THE POLICE OFFICERS OF THE TOWN OF NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 839 of the Session Laws of 1951 be amended by striking out the words and figures in said Section following the colon and inserting in lieu thereof the following:

"Arrest, each	$3.00
Subpoena, each	1.00
Capias, each	3.00".

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1374 CHAPTER 1301

AN ACT TO AMEND G. S. 9-4, AS THE SAME RELATES TO IREDELL AND HENDERSON COUNTIES, SO AS TO CONFORM SAID SECTION TO THE SUPERIOR COURT CALENDAR.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-4 is hereby amended by rewriting the paragraph thereof relating to Iredell County to read as follows:

"In Iredell County, jurors shall be drawn as follows: Forty-eight jurors for the first week of February and August terms of court and thirty for the second week of February and August and each week of the March, May, October and November terms of court: Provided, that if it appears desirable for the dispatch of business, the board of county commissioners may draw fifty-four jurors for the first week of the February and August terms and thirty-six for the second week of said terms and the March, May, October and November terms."

Sec. 2. G. S. 9-4 is hereby amended by rewriting the paragraph thereof which pertains to Henderson County, as the same appears in the 1953 Supplement to the General Statutes, to read as follows:

"At each term of the Superior Court for Henderson County except the February term, thirty jurors shall be drawn for the first week and twenty-four for the second week. For the February term of each year forty-eight jurors shall be drawn for the first week and thirty for the second week."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1375 CHAPTER 1302

AN ACT TO AMEND G. S. 9-25 SO AS TO CONFORM THE SAME TO THE SUPERIOR COURT CALENDAR.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-25 is hereby amended as follows:

(a) By deleting the word "April" in the first line of the seventh paragraph, relating to the Grand Jury for Hoke County, and by inserting in lieu thereof the word "March".

(b) By deleting the first sentence in the eighth paragraph, relating to

the Grand Jury of Union County, and by deleting the word "January" in the second sentence thereof and by inserting in lieu thereof the word "February".

(c) By deleting the word "March" from lines four and five in the paragraph relating to the Grand Jury for Johnston County, as the same appears in the 1953 Supplement to G. S. 9-25, and by inserting in lieu thereof the word "February".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1376 CHAPTER 1303

AN ACT TO AMEND HOUSE BILL NO. 916 OF THE 1955 GENERAL ASSEMBLY, RELATING TO THE APPOINTMENT OF JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of House Bill No. 916 of the General Assembly of 1955 is amended by adding the following:

"STOKES COUNTY

Beaver Island Township—Manley Dunlap, John Williams
Peters Creek Township—Z. R. Sheppard, Joe Hart
Big Creek Township—J. H. Ward
Quaker Gap Township—Westley Cox, Jesse George
Meadows Township—W. A. Southern, O. M. Flint, J. C. Carson
Snow Creek Township—J. Moir Hawkins
Yadkin Township—John Christian, Wayne Snyder, Stedman Garner
Danbury Township—S. P. Christian".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1378 CHAPTER 1304

AN ACT TO AMEND G. S. 9-25 RELATING TO THE MANNER OF SELECTING THE GRAND JURY IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 9-25, as the same appears in Volume 1B of the General Statutes and the 1953 Supplement thereto, be and the same is

hereby amended by adding at the end thereof a new paragraph to read as follows:

"At the first term of Superior Court for the trial of criminal cases in Warren County after July 1, 1955, there shall be chosen a grand jury as now provided by law, and the first nine members of said jury chosen at said term shall serve until the first term of Superior Court for the trial of criminal cases after July 1, 1956, and the second nine members of said jury so chosen shall serve until the first term of Superior Court for the trial of criminal cases after January 1, 1956; and thereafter at the first criminal term after the first day of January of each year there shall be chosen nine members of said grand jury to serve until the first criminal term after the first day of January of the following year, and at the first criminal term after the first day of July of each year there shall be chosen nine members of said grand jury to serve until the first criminal term after the first day of July of the following year.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1381 CHAPTER 1305

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE TOWN OF YOUNGSVILLE TO EXPEND NOT EXCEEDING $6,000 OF THE SURPLUS BALANCE OF THE DEBT SERVICE FUND OF SAID TOWN FOR THE PURPOSE OF INCREASING THE TOWN'S WATER SUPPLY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Youngsville is hereby authorized and empowered to appropriate and expend not exceeding six thousand dollars ($6,000) of the surplus balance of the debt service fund of said town for the purpose of financing the cost of increasing water supply of the town's water system, including the drilling of a new well and necessary pumping facilities, mains, housing and site to provide such increased supply. Such surplus balance shall be determined by deducting from the cash balance of said debt service fund the sum of bond principal and interest of the town's existing indebtedness due and payable in the fiscal year beginning July 1, 1955.

Sec. 2. The powers granted under the provisions of this Act, which shall terminate on July 1, 1957, shall be in addition to and not in substitution of powers granted under any other law.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1382 **CHAPTER 1306**

AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE WARRENTON GRADED AND HIGH SCHOOLS.

WHEREAS, by Act of the General Assembly of 1786 the Warrenton Academy, which has also been known as the Warrenton Male Academy, was chartered and thereafter continued to exist and now functions as the Warrenton Special Tax School District, the same being a body corporate under the name of "The Board of Trustees of the Warrenton Graded and High Schools", said board having been created and given additional powers by Chapter 32 of the Private Laws of 1919 and Chapter 10 of the Private Laws of Extra Session of 1920; and

WHEREAS, the Acts of the General Assembly have not specifically and clearly prescribed the number of trustees for said district; and

WHEREAS, for many years the Board of Trustees has consisted of 15 members, three of whom were appointed by the Board of Education of Warren County and 12 of whom were appointed by their predecessors in office in accordance with the self-perpetuating provisions of the several Acts relating to said board; and

WHEREAS, the district whose schools are administered by said board is now known as Warren County School District No. 1; and

WHEREAS, it has become necessary to prescribe by legislation the number of members who shall compose said board, and it has become advisable that, to facilitate the orderly administration of the school system of Warren County, the name of said Board of Trustees be changed to "The Board of Trustees of Warren County School District No. 1", the name by which said board has been generally designated for administrative purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Trustees of the Warrenton Academy and of the Warrenton Special Tax District, who have heretofore been known as "The Board of Trustees of the Warrenton Graded and High Schools", shall hereafter be known as "The Board of Trustees of Warren County School District No. 1" and shall perform all of the duties of said board.

Sec. 2. That the Board of Trustees of Warren County School District No. 1 shall consist of 15 members, three of whom shall be appointed by the Board of Education of Warren County at its last meeting preceding the first day of May, 1956, and biennially thereafter; and that, until their successors shall be named as provided in this Section, A. P. Rodwell, E. R. Davis and W. T. Davis shall be the three such members.

Sec. 3. That Julius Banzet, Mrs. Heath Beckwith, A. C. Blaylock, P. B. Boyd, J. Howard Daniel, W. R. Drake, Dr. Thomas Holt, J. H. Kerr, Sr., Dr. C. H. Peete, C. E. Rodwell, A. A. Williams, Jr. and Mrs. Margaret P. Williams shall constitute the other members of the said Board of Trustees.

Sec. 4. That subject to the provisions of Section 2 of this Act the said Board of Trustees is hereby empowered to fill vacancies in its membership.

Sec. 5. That until their successors are elected W. R. Drake is hereby

appointed Chairman and Mrs. Heath Beckwith is hereby appointed Secretary of said Board of Trustees.

Sec. 6. That at its annual meeting in May of each year the Board of Trustees shall elect five of its members to serve as an executive committee of said board, whose powers and duties shall be prescribed by the board, and said executive committee shall elect its own chairman and secretary. At said meeting the Board of Trustees shall also elect a chairman and secretary of said board, who shall serve for one year or until their successors are elected.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1384 CHAPTER 1307

AN ACT TO AMEND GENERAL STATUTES 130-33 SO AS TO PERMIT SANITARY DISTRICTS TO BE CREATED WITHOUT THE REQUEST OF A MUNICIPAL CORPORATION WHICH HAS BEEN INACTIVE FOR A PERIOD OF FIFTEEN YEARS.

The General Assembly of North Carolina do enact:

Section 1. General Statutes 130-33 is hereby amended by changing the period at the end of said Section to a semicolon and by adding thereafter the following: "provided further that if such municipal corporation shall not have levied any tax nor performed any official act nor held any elections within a period of fifteen years next preceding the date of the petition for said sanitary district, as hereinafter provided, such a request of the governing board shall not be required."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1385 CHAPTER 1308

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WAKE COUNTY TO FIX THE SALARY OF THE CORONER OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Wake County is authorized, in its discretion, to fix the salary of the coroner of said county in an amount not to exceed thirty-six hundred dollars ($3600.00) per year.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1390 CHAPTER 1309

AN ACT TO AMEND G. S. 140-9 WITH REGARD TO ALLOCATIONS FROM THE CONTINGENCY AND EMERGENCY FUND TO THE NORTH CAROLINA SYMPHONY SOCIETY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 140-9 is rewritten to read as follows:

"G. S. 140-9. The Governor and Council of State are hereby authorized to allot such sums as they may deem appropriate, from the Contingency and Emergency Fund, to the North Carolina Symphony Society, to aid in carrying on the activities of the said Society. All expenditures made by said Society shall be subject to the provisions of G. S. 143-1 to G. S. 143-34, inclusive."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1392 CHAPTER 1310

AN ACT MAKING WARREN COUNTY "STOCK LAW TERRITORY".

The General Assembly of North Carolina do enact:

Section 1. Warren County shall be and is hereby declared to be "stock law territory", and shall be subject to all the provisions of General Statutes 68-15, 68-23 to 68-31, inclusive, and 68-36 to 68-38, inclusive.

Sec. 2. All laws and clauses of law in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1394 CHAPTER 1311

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY TO FIX, IN ITS DISCRETION, THE AMOUNT OF TRAVEL ALLOWANCE THAT SHALL BE PAID TO THE SHERIFF OF FRANKLIN COUNTY AND HIS DEPUTIES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 14 of the Session Laws of 1951 is hereby amended by adding immediately after Section 2 and before Section 3 of said Chapter

a new Section, which shall be designated as "Section 2½", and which shall read as follows:

"Sec. 2½. Notwithstanding any provisions of Section 1 of this Act and nothwithstanding any provisions which may be contained in or appear in this whole Act, the Board of County Commissioners of Franklin County, if it shall elect to do so, shall have the power and the authority, in its discretion, to fix such travel allowance for the Sheriff of Franklin County and his deputies provided for in Section 1 of this Act as in its judgment is deemed to be adequate, proper and just."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 1398 CHAPTER 1312

AN ACT TO AMEND HOUSE BILL 1259 RATIFIED MAY 19, 1955, RELATING TO THE CHARTER OF THE CITY OF KINSTON.

The General Assembly of North Carolina do enact:

Section 1. House Bill 1259, ratified May 19, 1955, is hereby amended by striking out Section 2 and Section 3 of said Act and by re-numbering Sections 4 and 5 thereof to read "Sec. 2" and "Sec. 3".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. B. 10 CHAPTER 1313

AN ACT TO AMEND AND SUPPLEMENT "THE REVENUE ACT," BEING SUBCHAPTER I OF CHAPTER 105 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

TITLE AND PURPOSE OF ACT

Section A. The title of this Act shall be "The Act of 1955 Amending and Supplementing 'The Revenue Act,' being subchapter I of Chapter 105 of the General Statutes."

Sec. B. The purpose of this Act is to amend and supplement "The Revenue Act," being subchapter I of Chapter 105 of the General Statutes, and to raise and provide revenue for the purposes therein set forth.

"The Revenue Act," being subchapter I of Chapter 105 of the General Statutes, and other Statutes as herein specifically designated, are hereby amended and supplemented as hereinafter provided in this Act, that is to say:

Section 1. Taxes on Cooperative Associations.

Subsection (a). Article 16 of subchapter IV of Chapter 54 of the General Statutes of North Carolina is hereby amended by adding at the end thereof two new Sections to be designated Section 54-118.1 and Section 54-118.2, and to read as follows:

"G. S. 54-118.1. License taxes.—On and after June 1, 1955, the provisions of Article 2, subchapter 1 of Chapter 105 of the General Statutes of North Carolina shall apply to an association or corporation organized under the provisions of this subchapter.

"G. S. 54-118.2. Franchise taxes.—On and after July 1, 1955, the provisions of Article 3, subchapter 1 of Chapter 105 of the General Statutes of North Carolina shall apply to an association or corporation organized under the provisions of this subchapter."

Subsection (b). The provisions of Section 54-143 of the General Statutes of North Carolina are hereby amended by rewriting the said Section so as to read as follows:

"G. S. 54-143. License taxes.—On and after June 1, 1955, the provisions of Article 2, subchapter 1 of Chapter 105 of the General Statutes of North Carolina shall apply to an association or corporation organized under the provisions of this subchapter."

Subsection (c). The provisions of Article 19 of subchapter V of Chapter 54 of the General Statutes of North Carolina are hereby further amended by adding a new Section to follow Section 54-143, as the same is hereby amended, which new Section shall be designated Section 54-143.1 and which shall read as follows:

"G. S. 54-143.1. Franchise taxes.—On and after July 1, 1955, the provisions of Article 3, subchapter 1 of Chapter 105 of the General Statutes of North Carolina shall apply to an association or corporation organized under the provisions of this subchapter."

Subsection (d). The provisions of Chapter 105 of the General Statutes of North Carolina are hereby amended by inserting therein a new Section, which new Section shall follow Section 105-102, shall be designated Section 105-102.1 and shall read as follows:

"G. S. 105-102.1. Certain cooperative associations.—(a) Every cooperative marketing association operating solely for the purpose of marketing the products of its members or other farmers and turning back to them the proceeds of sales, less the necessary operating expenses of the association, including interest and dividends on capital stock, on the basis of the quantity of product furnished by them, and every mutual ditch or irrigation association, mutual or cooperative telephone association or company, mutual canning association, cooperative breeding association, or like organizations or associations of a purely local character deriving receipts solely from assessments, dues or fees collected from members for the sole purpose of meeting expenses, shall apply for and obtain from the Commissioner of Revenue a State license for the privilege of engaging in such business in this State, and shall pay for such license an annual tax of ten dollars ($10.00), but shall not be required to pay any other tax levied by the provisions of this Article.

"(b) Counties, cities and towns may not levy any license tax upon such cooperative marketing associations."

Subsection (e). The provisions of Section 105-125 of the General Statutes of North Carolina are hereby amended by inserting after the semicolon in line 4 thereof, the following:

"nor to mutual ditch or irrigation associations, mutual or cooperative telephone associations or companies, mutual canning associations, cooperative breeding associations, or like organizations or associations of a purely local character deriving receipts solely from assessments, dues, or fees collected from members for the sole purpose of meeting expenses; nor to cooperative marketing associations operating solely for the purpose of marketing the products of members or other farmers and turning back to them the proceeds of sales, less the necessary operating expenses of the association, including interest and dividends on capital stock on the basis of the quantity of product furnished by them;".

Subsection (f). The provisions of Section 105-138 of the General Statutes of North Carolina are hereby amended by deleting from the third line of the second paragraph of subsection 9 thereof the following:

"(Gross income minus operating expenses, including interest paid on capital stock)". The provisions of this subsection shall apply to all income years ending on or after December 31, 1955.

Subsection (g). The provisions of Section 105-138 of the General Statutes of North Carolina are hereby further amended by deleting from the next to the last line of Subsection 9 of the said Section the words "or interest on stock".

Subsection (h). The provisions of Section 105-138 of the General Statutes of North Carolina are hereby further amended by deleting the figures "$50.00" in the last line of subsection 9 of the said Section and inserting in lieu thereof the figures "$10.00".

Subsection (i). The provisions of Section 105-142 of the General Statutes of North Carolina are hereby further amended by deleting from the fifth line of subsection 6 of the said Section the words "or interest on stock".

Sec. 2. Bus Company Gross Receipts Tax.

Subsection (a). G. S. 20-87 (a) as it appears in Volume 1C of the General Statutes is hereby stricken out and the following provisions are inserted in lieu thereof:

"(a) Common Carriers of Passengers.—Common carriers of passengers shall pay an annual license tax of ninety cents (90c) per hundred pounds weight of each vehicle unit, and in addition thereto three per cent (3%) of the gross revenue derived from such operation: Provided, said additional three per cent (3%) shall not be collectible unless and until and only to the extent that such amount exeeds the license tax of ninety cents (90c) per hundred pounds: Provided further, that common carriers of passengers operating from a point or points in this State to another point or other points in this State shall be liable for a tax of three per cent (3%) on the gross revenue earned in such intrastate hauls. Common carriers of passengers operating between a point or points within this State and a point or points without this State shall be liable for a three per cent (3%) tax only

on that proportion of the gross revenue earned between terminals in this State and terminals outside this State that the mileage in North Carolina bears to the total mileage between the respective terminals. Common carriers of passengers operating through this State from a point or points outside this State to a point or points outside this State shall be liable for a three per cent (3%) tax on that proportion of the gross revenue earned between such terminals as the mileage in North Carolina bears to the total mileage between the respective terminals. In no event shall the tax paid by such common carriers of passengers be less than ninety cents (90c) per hundred pounds weight for each vehicle. The tax prescribed in this subsection is levied as compensation for the use of the highways of this State and for the special privileges extended such common carriers of passengers by this State."

Subsection (b). G. S. 105-116, subsection (3), as it appears in the 1953 Supplement to the General Statutes, is hereby amended by changing the period at the end thereof to a colon and by adding thereto the following:

"Provided further, the tax on street bus or similar street transportation system for the transportation of passengers for hire shall be at the rate of three per cent (3%)."

Subsection (c). G. S. 20-90, as it appears in Volume 1C of the General Statutes, is hereby amended by striking out of line one thereof the words "six per cent" and is further amended by striking out the word "twentieth" on line three and inserting in lieu thereof the word "thirtieth", and G. S. 20-91 (b) as it appears in said Volume 1C is amended by striking out the word "twentieth" in line two thereof and inserting in lieu thereof the word "thirtieth".

Sec. 3. Amendments to the Sales Tax Article.

Article 5, Schedule E.

Subsection (a). Subsection (b) of G. S. 105-168 is rewritten to read as follows:

"(b) Retail Merchants.—Upon every retail merchant, as defined in this Article, a tax of three per cent (3%) of the total gross sales of the business of every such retail merchant: Provided, however, that in the case of the sale of any airplane, or the sale of any motor vehicle, the tax shall be only at the rate of one per cent (1%) of the sales price and the maximum tax with respect to any one such airplane or motor vehicle, including all accessories attached thereto at the time of delivery thereof to the purchaser, shall be eighty dollars ($80.00).

"For the purposes of this Section, the words 'motor vehicle' mean any vehicle which is self-propelled and designed primarily for use upon the highways, any vehicle which is propelled by electric power obtained from trolley wires but not operated upon rails, and any vehicle designed to run upon the highways which is pulled by a self-propelled vehicle, but shall not include any implement of husbandry, farm tractor, road construction or maintenance machinery, or equipment, special mobile equipment as defined in G. S. 20-38, nor any vehicle designed primarily for use in work off the highway. For the purposes of this subsection, the sale separately of a new motor vehicle chassis and a new motor vehicle body to be installed

thereon, whether by the same retailer or different retailers, shall be subject only to the tax herein prescribed with respect to a single motor vehicle, and the tax applicable with respect to the sale of the new chassis and/or the new body shall be computed at the rate of one per centum (1%) of the sales price thereof, but in no event shall the total tax as to both such chassis and body exceed eighty dollars ($80.00)."

Subsection (b). The first sentence of subsection (c) of G. S. 105-168 is rewritten to read as follows:

"(c) Motor Vehicles.—In addition to all other taxes, there is hereby levied and imposed upon every person, for the privilege of using the streets and highways of this State, a tax of one per cent (1%) of the sales or purchase price of any motor vehicle, new chassis and/or new body as defined, described and limited in subsection (b) of this Section, including all accessories attached thereto at the time of delivery thereof to the purchaser, purchased or acquired for use on the streets and highways of this State, which said amount shall not exceed eighty dollars ($80.00), and shall be paid to the Commissioner of Revenue at the time of applying for certificate of title or registration of such motor vehicle."

Subsection (c). G. S. 105-168 is hereby amended by striking out the third and fourth sentences from the end of the first paragraph of subsection (c), which read as follows:

"The term 'motor vehicle' as used in this Section shall include trailers. It is declared to have been the purpose of this subsection that whenever a motor vehicle chassis is or has been purchased separately from the body which is thereafter installed thereon, the maximum tax herein levied shall be imposed only on the sale of the chassis and no additional tax shall be imposed upon the body mounted upon the same."

Subsection (d). G. S. 105-168 is hereby amended by adding a new subsection at the end thereof to be designated as subsection (d), and to read as follows:

"(d) Hotels, motels, tourist homes and tourist camps.—There is hereby levied upon every person, firm or corporation subject to the provisions of G. S. 105-60, relating to operators of hotels, and every person, firm or corporation subject to the provisions of G. S. 105-61, relating to tourist homes, tourist camps and similar places of business, a tax of three per cent (3%) of the gross receipts derived from the rental of any room or rooms, lodgings, or accommodations furnished to transients at any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration. The tax shall not apply, however, to any room, lodging, or accommodation supplied to the same person for a period of 90 continuous days or more. The tax herein levied shall be in addition to all other taxes. Every person subject to the provisions of this Section shall register and secure a license in the manner provided in the first paragraph of this Section, and, insofar as practicable, all other provisions of this Article shall also be applicable with respect to the tax herein provided for."

Subsection (e). G. S. 105-169 is hereby amended by striking out the period at the end of subsection (b1), inserting a comma in lieu thereof and

adding the following: "and sales of fuel to manufacturing industries and manufacturing plants for use in connection with the operation of such industries and plants other than sales of fuel to be used for residential heating purposes. The quantity of fuel purchased or used at any one time shall not in any manner be a determinative factor as to whether any sale or use of fuel is or is not subject to the State retail or wholesale rate of sales tax, or to the State use tax."

Subsection (f). G. S. 105-169 is hereby amended by inserting a new subsection immediately following subsection (m), to be designated as subsection (m1), and to read as follows:

"(m1) For the purposes of this Article, sales of machines and machinery, whether animal or motor drawn or operated, to farmers for use by them in the planting, cultivating, harvesting or curing of farm crops and sales of machines and machinery to dairy operators, poultry farmers, egg producers, and livestock farmers for use by them in the production of dairy products, poultry, eggs or livestock may be classified as wholesale sales and, therefore, subject only to the wholesale rate of tax.

"The term 'machines and machinery' as used in this subsection is defined as follows:

"The term shall include all vehicular implements, designed and sold for any use defined in this subsection, which are operated, drawn or propelled by motor or animal power, but shall not include vehicular implements which are operated wholly by hand, and shall not include any motor vehicles required to be registered under Chapter 20 of the General Statutes.

"The term shall include all non-vehicular implements and mechanical devices designed and sold for any use defined in this subsection, which have moving parts, or which requires the use of any motor or animal power, fuel, or electricity in its operation but shall not include non-vehicular implements which have no moving parts and are operated wholly by hand."

Subsection (g). Subsection (t) of G. S. 105-169 is hereby amended by striking out the entire subsection which reads as follows:

"Sales of lubricants, repair parts and accessories for motor vehicles and airplanes, when made to the owner and operator of fleets of five or more motor vehicles or airplanes to be used in or upon such motor vehicles or airplanes, shall be classified as wholesale sales, and therefore, only subject to the wholesale rate of tax."

Subsection (h). Chapter 105 of the General Statutes is hereby amended by inserting a new Section immediately following G. S. 105-169, to be designated as G. S. 105-169.1, and to read as follows:

"G. S. 105-169.1. Certain refunds authorized with respect to interstate commerce.—Any person engaged in transporting persons or property in interstate commerce for compensation who is subject to regulation by, and to the jurisdiction of, the Interstate Commerce Commission or the Civil Aeronautics Board and who is required by either such Commission or Board to keep records according to its standard classification of accounting may secure a refund from the Commissioner of Revenue with respect to sales or use tax paid by such person on purchases or acquisitions of lubricants, repair parts and accessories in this State for motor vehicles and

airplanes operated by such person, upon the conditions described below. The Commissioner of Revenue shall prescribe the periods of time, whether monthly, quarterly, semiannually or otherwise, with respect to which refunds may be claimed, and shall prescribe the time within which, following such periods, an application for refund may be made. An applicant for refund shall furnish such information as the Commissioner may require, including detailed information as to lubricants, repair parts and accessories wherever purchased, whether within or without the State, acquired during the period with respect to which a refund is sought, and the purchase price thereof, detailed information as to sales and use tax paid in this State thereon, and detailed information as to the number of miles such motor vehicles and airplanes were operated both within this State, and within and without this State, during such period, together with satisfactory proof thereof. The Commissioner shall thereupon compute the tax which would be due with respect to all lubricants, repair parts and accessories acquired during the refund period as though all such purchases were made in this State, but only on such proportion of the total purchase prices thereof as the total number of miles of operation of such applicant's motor vehicles and airplanes within this State bears to the total number of miles of operation of such applicant's motor vehicles and airplanes within and without this State, and such amount of sales and use tax as the applicant has paid in this State during said refund period in excess of the amount so computed shall be refunded to the applicant."

Subsection (i). G. S. 105-187 is hereby amended by striking out the comma immediately following the word "thereof" in the seventh line of the first paragraph, and by inserting a period in lieu of said comma, and by striking out the remainder of said first paragraph. The provisions of this subsection shall not be applicable with respect to any materials purchased for the purpose of fulfilling any lump sum or unit price contract entered into or awarded before July 1, 1955, or entered into or awarded pursuant to any bid made before July 1, 1955.

Subsection (j). G. S. 105-187 is hereby amended by striking out of subdivision (a) immediately following the word "tax" in line 9 the words "upon the use of a single article of merchandise shall be limited as provided in Schedule E, and".

Sec. 4. Amendments to the Use Tax Article.

Article 8, Schedule I.

Subsection (a). G. S. 105-220 is hereby amended by rewriting the last paragraph thereof, as the same appears in Volume 2C of the General Statutes, to read as follows:

"The rate of tax and the maximum tax with respect to motor vehicles and airplanes shall be the same as is provided in the Sales Tax Article."

Subsection (b). G. S. 105-220 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"Nothwithstanding any other provisions of this Article, a use tax, at the applicable use tax rate, as hereinbefore provided, is hereby levied upon the storage or use in this State of any motor vehicles, machines, machinery, tools or other equipment brought, imported or caused to be brought into

this State for use in constructing, building, or repairing any building, highway, street, sidewalk, bridge, culvert, sewer or water system, drainage or dredging system, electric or steam railway system, reservoir or dam, hydraulic or power plant, transmission line, tower, dock, wharf, excavation, grading or other improvement or structure, or any part thereof. The owner or, if the property is leased, the lessee of any such motor vehicle, machine, machinery, tools or other equipment shall be liable for the tax provided for in this paragraph, to be computed as set out below. The useful life of such motor vehicles, machines, tools or other equipment shall be determined by the Commissioner of Revenue in accordance with the experience and practices of the building and construction trades. Said use tax shall be computed on the basis of such proportion of the original purchase price of such property as the duration of time of use in this State bears to the total useful life thereof. Such tax shall become due immediately upon such property's being brought into this State, and in the absence of satisfactory evidence as to the period of use intended in this State, it shall be presumed that such property will remain in this State for the remainder of its useful life. All provisions of this Article not directly in conflict with the provisions of this paragraph shall be applicable with respect to the matters herein set forth. The provisions of this paragraph shall not be applicable with respect to sales of such property within this State or to the use, storage or consumption of such property when purchased for use in this State, and in such cases the full sales or use tax shall be paid as in all other cases, irrespective of the period of intended use in this State."

Sec. 5. Amendments to the Taxes upon Insurance Companies Article.

Article 8B, Schedule I-B.

Subsection (a). G. S. 105-228.5 is hereby amended by rewriting the seventh paragraph thereof to read as follows:

"The amounts collected on annuities and all other contracts of insurance issued by domestic life insurance companies a tax at the rate of one and one-half per cent (1½%).

"The amounts collected on contracts of insurance issued by domestic insurance companies other than life insurance companies and other than corporations organized under Chapter 57 of the General Statutes, a tax of one per cent (1%) or, in lieu thereof, any such company shall pay an income tax computed as in the case of other corporations, whichever is the greater.

"The amounts collected on annuities and all other contracts of insurance a tax at the rate of two and one-half per cent (2½%) in the case of foreign and alien companies."

The premium tax rates herein provided shall be applicable with respect to all premiums collected during the calendar year, 1955, and each subseqent year.

Subsection (b). G. S. 105-228.7 is hereby amended by striking out the figures "$2.50" in line 7 thereof immediately following the words "insurance agent (local for each company represented)" as the same appears in the 1953 Cumulative Supplement to the General Statutes, and inserting in lieu thereof the figures "$5.00."

Sec. 6. Amendments to the Beverage Tax Article.

Schedule F.

Subsection (a). G. S. 18-85 is hereby amended by striking out in lines 2 and 3 thereof the words and figures "eight and one-half per cent (8½%)" immediately following the words "a tax of" in line 2 thereof and inserting in lieu thereof the words and figures "ten per cent (10%)".

Subsection (b). G. S. 18-85.1, as the same appears in Volume 1C of the General Statutes, is hereby amended by striking out the words and figures "forty cents (40c)" in the third line of said Section, and inserting in lieu thereof the words and figures "seventy cents (70c)". The Commissioner of Revenue is authorized to require the filing of inventories with respect to wines on hand on July 1, 1955, and to prescribe by rules and regulations the manner in which the additional tax provided for in this subsection shall be paid and evidenced with respect to said inventories.

Subsection (c). Subsection (a) of G. S. 18-81 is hereby amended by rewriting the same to read as follows:

"(a) In addition to the license taxes herein levied, a tax is hereby levied upon the sale of beverages enumerated in Section 18-64, Subsection (a), of seven dollars and fifty cents ($7.50) per barrel of thirty-one gallons, or the equivalent of such tax in containers of more or less than thirty-one gallons, and in bottles or other containers of not more than six ounces, a tax of one and one-fourth cents (1¼c) per bottle or container, and in bottles or other containers of more than six ounces and not more than twelve ounces, a tax of two and one-half cents (2½c) per bottle or container, and in bottles or containers of the capacity of one quart, or its equivalent, a tax of six and two-thirds cents (6-2/3c) per bottle or container: Provided fruit cider of alcoholic content not exceeding that provided in this Article may be sold in bottles or other containers of not more than six ounces at a tax of five-eights of a cent (5/8ths of 1c) per bottle or container."

Subsection (d). G. S. 18-81 is hereby amended by adding immediately following subsection (a) a new subsection, to be designated as subsection (a1), and to read as follows:

"(a1) In addition to all other taxes levied in this Chapter, there is hereby levied an additional tax or surtax upon the sale of beverages enumerated in G. S. 18-64, subsection (a), of three dollars ($3.00) per barrel of thirty-one gallons, or the equivalent of such tax in containers of more or less than thirty-one gallons, and in bottles or other containers of not more than six ounces, a tax of one-half of one cent (½c) per bottle or container, and in bottles or other containers of more than six ounces and not more than twelve ounces, a tax of one cent (1c) per bottle or container, and in bottles or containers of the capacity of one quart, or its equivalent, a tax of two and two-thirds cents (2-2/3c) per bottle or container. Notwithstanding any provisions of subsection (t) of this Section, none of the revenues collected pursuant to the tax imposed by this subsection shall be allocated or distributed to any county or municipality, but all of said revenue derived from the increase in tax rates imposed by this subsection shall be paid into the general fund of the State. Every person, firm or corporation who owns or possesses any of the beverages enumerated in subsection

(a) of G. S. 18-64 on July 1, 1955, for the purpose of sale in this State shall file with the Commissioner of Revenue not later than July 20, 1955, a complete inventory of such beverages and pay to the Commissioner of Revenue the tax imposed by this subsection, the same being subsection (d) of Section 6 of this Act, with respect to all such beverages on hand on said July 1, 1955. The Commissioner of Revenue shall prescribe the form and manner of making such inventory reports and the method of evidencing the payment of the tax herein imposed with respect to said inventory of said beverages. The provisions of this subsection, the same being subsection (d) of Section 6 of this Act, shall continue in force only through the biennium beginning July 1, 1955, and ending June 30, 1957, except as to any liability arising hereunder during said biennium which remains outstanding on June 30, 1957."

Subsection (e). Subsection (b) of G. S. 18-81 is hereby amended by striking out in the first line and in the last line of said subsection the words "the preceding subsection" and inserting in lieu thereof in each of said lines the words "subsections (a) and (a1) of this Section."

Subsection (f). Subsection (t) of G. S. 18-81 is hereby amended by rewriting the first sentence thereof to read as follows:

"From the taxes collected annually under subsection (a) an amount equivalent to forty-seven and one-half per cent (47½%) thereof, and from the taxes collected annually under subsection (r) an amount equivalent to one-half thereof shall be allocated and distributed, upon the basis herein provided, to counties and municipalities wherein such beverages may be licensed to be sold under the provisions of this Article."

Subsection (g). G. S. 18-143, as amended by House Bill No. 210, entitled "An Act Amending G. S. 18-143 Relating to Appropriations for the Malt Beverage Division of the State Board of Alcoholic Control," ratified March 2, 1955, is hereby repealed.

Sec. 7. Amendment to Gasoline and Oil Inspection Fees Law.

Chapter 119 of the General Statutes is hereby amended by inserting therein immediately following Section 119-16 a new Section, to be designated Section 119-16.1 and to read as follows:

"119-16.1. The term 'kerosene' wherever used in this Article, except to the extent otherwise provided in G. S. 119-16, shall include all petroleum oil free from water, glue and suspended matter and having flash point not below 115°F., Tag Closed Tester A.S.T.M. D-56, sulphur content not exceeding 0.13% (A.S.T.M., D-90 Modified), distillation 'end point' not higher than 572° Fahrenheit (A.S.T.M., D-86). The presence or absence of coloring matter shall in no way be determinative of whether a substance is kerosene within the meaning of this Section."

Sec. 8. Increase in Fees for Notaries Public Commissions.

Subsection (a). G. S. 147-15 is hereby amended by striking out the words "notary public," in line 9 thereof, as the same appears in the 1953 Cumulative Supplement to the General Statutes.

Subsection (b). G. S. 147-15 is hereby further amended by inserting immediately following the words "one dollar;" in line 10 thereof, as the

same appears in the 1953 Cumulative Supplement to the General Statutes, the words "for the commission of a notary public, five dollars;".

Sec. 9. The Secretary of State with the advice of the Attorney General as soon as possible after the ratification of this Act shall insert in the Revenue Act in their proper places the several amendments and supplements thereto enacted by the General Assembly of 1955, and shall print in codified form five thousand (5,000) copies of said Act as amended and supplemented which shall be delivered to the Commissioner of Revenue for distribution. This compilation when certified by the Secretary of State and Attorney General to be a true and accurate compilation of the Revenue Act as amended shall be an official compilation or statement of the Revenue Act as amended.

Sec. 10. Notwithstanding any express repeal contained in this Act or any repeal implied from its terms and provisions, the existing revenue laws of the State shall be and continue in full force and effect with respect to all acts and transactions done or occurring prior to July 1, 1955, affected or which ought to be affected by their terms and provisions, and with respect to all liabilities, criminal as well as civil, incurred or which ought to have been incurred with respect to said acts and transactions done or occurring prior to July 1, 1955.

Sec. 11. Except as otherwise expressly provided herein, this Act shall take effect on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

S. B. 37 CHAPTER 1314

AN ACT TO AMEND G. S. 143-32 PROVIDING FOR COMPENSATION FOR WIDOWS OF GOVERNORS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 147-32 providing compensation for the widows of governors be and the same hereby is amended so as to read as follows:

"147-32. Compensation for Widows of Governors.—All widows of Governors of the State of North Carolina, and who shall make written request therefor to the Director of the Budget, shall be paid the sum of three thousand dollars ($3,000.00) per annum, in equal monthly installments, out of the State Treasury upon warrants duly drawn thereon. Provided, that such compensation shall terminate upon the subsequent remarriage of such person."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 337 CHAPTER 1315

AN ACT TO AMEND G. S. 105-53, RELATING TO TAX ON PEDDLERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-53 is hereby amended by inserting in the last line of subsection (g) of said Section immediately following the word "section" and immediately before the word "nor" the following words: "nor upon any person, firm or corporation who or which is a wholesale dealer, with an established warehouse in this State and selling only to merchants for resale,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 406 CHAPTER 1316

AN ACT TO AMEND CHAPTER ONE HUNDRED SIXTY AND CHAPTER ONE HUNDRED SIXTY THREE OF THE GENERAL STATUTES OF NORTH CAROLINA, CHAPTER FOUR HUNDRED EIGHT OF THE PRIVATE LAWS OF 1907, CHAPTER FIVE HUNDRED THIRTY SIX OF THE SESSION LAWS OF 1943, AND CHAPTER FOUR HUNDRED SEVENTY ONE OF THE SESSION LAWS OF 1951, AND TO PROVIDE FOR THE USE OF THE WILSON COUNTY REGISTRATION AND REGISTRARS IN FUTURE MUNICIPAL ELECTIONS IN THE CITY OF WILSON AND ALSO TO TRANSFER REGISTRATION ELECTION OFFICIALS OF THE CITY OF WILSON TO THE WILSON COUNTY BOARD OF ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. Whenever in this Act the words "election", "elections", "municipal election", or "municipal elections" are used, or any reference or inference is made to elections to be held by a municipality, the same shall include any and all elections to be held hereafter by a municipality under any and all authority and for any and all purposes, including, but not by way of limitations, municipal primary elections, municipal general elections, municipal special elections and municipal bond elections.

Sec. 2. The Wilson County Board of Elections shall have the sole authority and power to create and define precincts and to fix and determine polling places within Wilson County, including the precincts within the City of Wilson; provided that all precincts created in the City of Wilson shall be wholly within the corporate boundaries of the City of Wilson; and provided further that the precincts created within the corporate boundaries of the City of Wilson by said County Board of Elections shall be in accordance with the recommendation for the creation of such precincts by the Commissioners of the City of Wilson.

Sec. 3. The consolidated Wilson County registration in use during the

general election of 1952 and the present registration of the City of Wilson, together with all registration hereafter added to the same, pursuant to law, and as the same may hereafter be corrected and deleted by the Wilson County Board of Elections, as required by law, for the Wilson County precincts wholly within the City of Wilson shall be and constitute the sole official registration for all municipal elections in said municipality.

Sec. 4. The Wilson County Board of Elections, together with the registrars appointed by it, pursuant to law, shall be the only authority authorized to register electors in Wilson County, and the registration of electors, pursuant to such authority, in precincts wholly within the City of Wilson shall be the sole official registration for municipal elections held within the City of Wilson.

Sec. 5. The sole qualification to vote in municipal elections in the City of Wilson shall be registration upon the official books or records of registration of the Wilson County Board of Elections for the precincts wholly within said municipality, provided that any such registration or transfer of registration from one precinct to another or any change of party affiliation by an elector within said municipality shall be made not less than fourteen days prior to the date of a municipal primary election as a qualification to vote both in the primary election and in the election thereafter, whether said primary election is or is not actually required and held.

Sec. 6. In all municipal primaries and elections of the City of Wilson the registrars and judges of election selected by the Board of Commissioners of the City of Wilson shall serve and shall conduct any such elections in the manner as now prescribed by the charter of the City of Wilson.

Sec. 7. Challenge day for municipal elections is hereby abolished, and all objections are challenges of the right of an elector whose name appears upon the official registration books or records of registration of the Wilson County Board of Elections to vote in an election of the City of Wilson shall be made to and heard by the Wilson County Board of Elections in the same manner as provided by G. S. 163-79.1.

Sec. 8. No registrar shall furnish a list of the registration to any person whatsoever, and all such lists shall be obtained from the Wilson County Board of Elections as provided by G. S. 163-115.1.

Sec. 9. Not less than two days prior to any municipal election in the City of Wilson, the Wilson County Board of Elections shall certify to the Clerk to the Board of Commissioners of the City of Wilson the official precinct registration books or records of registration for the registration in the precincts wholly within the said municipality, which shall be the official precinct registration books for the purpose of holding such elections; provided, however, that the original registration certificates on file with the Wilson County Board of Elections shall at all times be the official and sole evidence of registration, and the Wilson County Board of Elections shall have the power to correct the precinct registration books to conform to the original and official registration certificates at any time, including the day of any municipal election. The Clerk to the Board of Commissioners of the City of Wilson shall be responsible for the precinct registration books delivered to him and shall, within five days following the official

canvass of any such election, return the precinct registration books to the Wilson County Board of Elections in as good condition as when received from it.

Sec. 10. The expense of making and keeping the official registration in precincts wholly within the City of Wilson shall be borne equally by Wilson County and the City of Wilson, and for this purpose the City of Wilson shall pay to Wilson County the sum of seven and one-half cents (7½c) per name for each person or elector hereafter registered in a precinct or the precincts wholly within the corporate boundary of the City of Wilson, three cents (3c) per name for each person or elector hereafter transferred from one precinct to another in said precincts, regardless of the precinct from which such person is transferred, three cents (3c) per name for each person or elector who shall hereafter make a change of party affiliation, and one cent (1c) per name for all persons whose names are deleted or purged from said official registration in said precincts as permitted by G. S. 163-31.2.

Sec. 11. Except as provided in the foregoing Section, all expenses of taking, processing and keeping the official registration in precincts wholly within the City of Wilson shall be paid by Wilson County.

Sec. 12. All laws and clauses of laws in conflict herewith, including all conflicting provisions of Chapter 160 and Chapter 163 of the General Statutes of North Carolina, Chapter 408 of the Private Laws of 1907, Chapter 536 of the Session Laws of 1943, and Chapter 471 of the Session Laws of 1951, are hereby repealed and shall not apply to municipal elections of any kind whatsoever in the City of Wilson, and wherever said General Statutes and/or said Private Laws and this Act conflict, this Act shall control.

Sec. 13. If any part of this Act or the application of any part thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act or the application to any other person or condition and, to this end, the provisions of this Act are declared to be separable.

Sec. 14. This Act shall be in full force and effect from and after July 15, 1955.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 542 CHAPTER 1317

AN ACT AMENDING ARTICLE II, CHAPTER 7 OF THE GENERAL STATUTES RELATING TO COURT REPORTERS.

The General Assembly of North Carolina do enact:

Section 1. Sections 7-90, 7-91, and 7-92 of the General Statutes are hereby repealed.

Sec. 2. G. S. 7-89 is hereby rewritten to read as follows:

"§ 7-89. Court Reporters. The resident judge of each judicial district is hereby authorized and empowered to appoint an official court reporter for one or more or all of the counties in his district who shall serve at the will

of the resident judge, and whose appointment may be terminated by 30 days' written notice thereof.

"The appointment of such reporter or reporters shall be filed in the office of the Clerk of the Superior Court of each county in said district in which said reporter is to officiate, and the same, or a certified copy thereof, shall be recorded by said clerk on the minute docket of his court.

"Before entering upon the discharge of the duties of said office, said reporter shall take and subscribe an oath in words substantially as follows: 'I, ..., do solemnly swear that I will, to the best of my ability, discharge the duties of the office of court reporter in and for the County of ..... in the..... judicial district, and will faithfully transcribe the testimony offered in said courts as the presiding judge may direct, or as I may be required to do under the law, so help me, God.' Said oath shall be filed in the office of each of the Clerks of the Superior Courts of the counties in which said reporter is to officiate, and recorded and indexed on the minute dockets of said courts.

"If on account of sickness, or for other cause, said reporter is unable to attend upon any of the regular courts of said districts, and for conflict and special terms, the resident judge may appoint a reporter pro tem. for said court or courts, and said appointment shall appear upon the minutes of said term, and said reporter shall take and subscribe the oath referred to above, which oath shall be filed with the clerk. In lieu of appointing a reporter pro tem. for each of said courts, the resident judge may, in his discretion, appoint a reporter pro tem. for a stated period whose duty it shall be to report any and all courts in the county or counties designated in the appointment, which the regular court reporter is for any cause unable to report.

"The board of county commissioners of each county shall fix the compensation which such reporter and such reporter pro tem. shall receive while engaged in the performance of his duties in said county.

"The duties of the office of court reporter or reporter pro tem. in each district shall be prescribed by the resident judge of said district.

"The testimony taken and transcribed by said court reporter or said court reporter pro tem., as the case may be, and duly certified, either by said reporter or the presiding judge at the trial of the cause, may be offered in evidence in any of the courts of this State as the deposition of the witness whose testimony is taken and transcribed, in the same manner, and under the same rule governing the introduction of depositions in civil actions.

"This Section shall not apply to any county for which provision for the appointment of a court reporter is made by law elsewhere; provided however that in the following named counties the county commissioners shall have the authority to appoint, terminate the appointment and reappoint a court reporter and a reporter pro tem., and fix the compensation therefor: Vance, Franklin, Gaston, Jackson, Haywood, Polk, Northampton, Hertford, Cleveland, Union, Anson, Haywood, Halifax, Surry, Orange, McDowell, Greene, Craven, Warren, Person, Pender, Yadkin, Sampson, Lincoln, Bladen, Caldwell, Ashe, Hoke, Moore, Davidson, Rockingham, Lenoir, Mitchell, Carteret, Buncombe."

Sec. 2½. The provisions of this Act shall not apply to New Hanover, Wilson, Onslow, Jones, Sampson, Duplin, Rockingham, and Brunswick Counties.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 550 CHAPTER 1318

AN ACT TO PROVIDE AN APPROPRIATION OF FIFTY THOUSAND DOLLARS ($50,000.00) FOR EACH YEAR OF THE BIENNIUM 1955-1957 TO NORTH CAROLINA STATE COLLEGE OF AGRICULTURE AND ENGINEERING AND THE FURTHERANCE OF AN INDUSTRIAL EXPERIMENT PROGRAM.

WHEREAS, as the result of more than seven years experience in supporting a limited research and development program as a part of the educational activities of the School of Engineering, an appropriation of funds is necessary to carry out this program. Cooperative experimental ventures with some of the industries of the State have lead to a recognition of the real need and apportunity for industrial aid and expansion by the establishment of an Industrial Experimental Program. It is obvious that, because of the nature and extent of the work needed, such a program cannot be supported within an instructional budget; and

WHEREAS, the primary purpose of the program is for research and experimental work leading to a greater utilization of North Carolina's raw materials, and to the development of its small industries. It is felt that such activity must include not only a laboratory study of the uses of these materials but also the establishment and operation of a demonstration activity which will make the findings useful to industry; and

WHEREAS, the major objective is to work toward the creation of new processes and uses whereby consumer products would be the end result of industrial activity within the State. It is proposed that students will be employed in the capacity of assistants on all of the experimental projects undertaken: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the general funds of the State the sum of fifty thousand dollars ($50,000.00) for each year of the biennium of the year 1955-1957 for the North Carolina State College of Agriculture and Engineering to be used by State College in the furtherance of its industrial experiment program.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 557 CHAPTER 1319

AN ACT TO AMEND SECTION 1 OF THE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 9, THE BUDGET APPROPRIATION BILL FOR THE BIENNIUM 1955-57, RATIFIED MAY 11, 1955.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 1 of the Committee Substitute for House Bill No. 9, The Budget Appropriation Bill for the biennium 1955-57, ratified May 11, 1955, by striking out the figures "776,112" and "765,302" in line 137 and substituting in lieu therefor the figures "802,472" and "791,662" respectively.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 570 CHAPTER 1320

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS AND NOTES IN BEHALF OF THE ROANOKE RAPIDS CITY ADMINISTRATIVE UNIT AS A SPECIAL BOND TAX UNIT AND THE LEVY OF TAXES WITHIN SUCH UNIT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. Upon receipt of a petition, signed by not less than ten per cent (10%) of the qualified voters of the territory embraced within the Roanoke Rapids City Administrative Unit and described in such petition, and a resolution signed by the majority of the members of the school board of the Roanoke Rapids City Administrative Unit, praying that bonds or notes be issued under the provisions of this Act, the Board of County Commissioners of Halifax County shall order a special election to be held in such school district for the purpose of voting upon the question of issuing bonds or notes and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings, including gymnasiums, agricultural buildings, shops, school cafeterias and other necessary buildings, and purchasing sites in such district or unit, or for any one or more of said purposes. In all such elections the board of county commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their

records, which shall be conclusive of all the facts therein found and determined. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, unless the district or unit is coterminous with a city, town or township (in which event the notice shall so state), the maximum amount of bonds or notes to be issued, the purpose or purposes for which the bonds or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds or notes. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturday. The books of such new registration shall close on the second Saturday before election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballots, shall be in substantially the words: "For the issuance of $———————— School Bonds or Notes and the levying of a sufficient tax for the payment thereof," and "Against the issuance of $———————— School Bonds or Notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (X) mark. The petition herein provided for shall be filed with the Board of Commissioners of Halifax County and referred to the Board of Elections of Halifax County to determine the sufficiency thereof, and upon a finding by said board that the petition meets the requirements of this Section, the chairman of said board shall file a certificate to that effect with the Chairman of said Board of Commissioners of Halifax County.

Sec. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Halifax County, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Halifax County as aforesaid and the other filed with the Clerk of the Superior Court of Halifax County. The Board of County Commissioners of Halifax County shall prepare a statement showing the number of votes cast for and against the bonds or notes, and declaring the results of the election, which state-

ment shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Sec. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district of such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding Section.

Sec. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds or notes and the levy of such tax, then the Board of Commissioners of Halifax County shall provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds or notes, which bonds or notes shall be issued in the name of the county, but shall be made payable exclusively out of the taxes to be levied in such district or such unit, except the Board of County Commissioners of Halifax County may pay from county funds any part of the principal and interest of said bonds or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners of Halifax County may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half (2½) times as great in amount as the smallest prior installment, of the same bond issue. The bonds or notes shall bear interest at a rate not exceeding six per cent (6%) per annum, payable semiannually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the Chairman of the Board of County Commissioners of Halifax County, and the seal of the county shall be affixed to or impressed upon each bond or note and attested by the register of deeds or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Sec. 5. The Board of County Commissioners of Halifax County is hereby authorized and directed to levy annually a special tax, ad valorem,

on all taxable property in the district or in the special bond tax unit in which the election was held, sufficient to pay the principal and interest of the bonds or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds or notes.

Sec. 6. In the event the boundary lines of the territory embracing the Roanoke Rapids City Administrative Unit are hereafter changed or altered, this Act shall apply to and within the territory embracing said unit at the time of the filing of the petition and the holding of the election as provided for in this Act. No change or alteration of the boundary lines of said unit shall in any way affect the validity of this Act.

Sec. 7. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds or notes, or any provisions of law for the payment of bonds or notes issued under such powers, or for the custody of moneys provided for such payment.

Sec. 8. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds or notes and endorsements of such approval upon such bonds or notes and as to the sale of bonds or notes and the disposition of the proceeds, shall be applicable to the bonds or notes authorized by this Act. The proceeds shall be paid out only upon order of the Board of Education of the Roanoke Rapids City Administrative Unit.

Sec. 9. This Act shall apply only to the Roanoke Rapids City Administrative Unit and Halifax County.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after January 1, 1956.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 574 CHAPTER 1321

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT A COMMISSION TO NEGOTIATE FOR THE SALE OF CERTAIN LANDS OWNED BY THE STATE IN AND NEAR STATESVILLE, FORMERLY OCCUPIED BY THE STATE AND USED AND KNOWN AS THE PIEDMONT TEST FARM.

The General Assembly of North Carolina do enact:

Section 1. The Governor is authorized to appoint a commission consisting of three persons, whose duty it shall be to negotiate for the sale of that land situated in and near the City of Statesville in Iredell County, and

to make recommendations to the Governor and Council of State with respect to the execution of deeds therefor to prospective purchasers of said property. The commissioners so appointed shall proceed at the earliest possible time to investigate possible purchasers and to negotiate with them for the purchase of any part or all of the said land known as the Old Piedmont Test Farm. The commission so appointed shall from time to time make recommendations to the Governor and Council of State with respect to the sale of the said property. The members of the commission appointed under the authority of this Act shall receive the same per diem, subsistence allowance and travel expenses as is now provided by law for officers and members of the State in performing their duties, all of which shall be paid out of the Contingency and Emergency Fund.

Sec. 2. The proceeds from the sale of the property known as the Old Piedmont Test Farm shall first be applied to the repayment of the loan authorized by the provisions of Chapter 969 of the Session Laws of 1953, and, after full repayment to the general fund of the State, the remaining amounts realized from the sale of said property shall be deposited in the account set aside for the Department of Agriculture in the Permanent Improvement Fund of 1953 under Code 14391 and shall be used subject to the approval of the Director of the Budget for the following purposes:

Piedmont Test Farm:

Laborers' Dwellings	$ 33,000
Herdsman's Dwelling	6,500
Office and Utility Building	15,000
Machinery Storage and Shop Building	7,000
Beef Cattle and Sheep Building	15,000
Dairy Building	32,800
Fertilizer and Insecticide Storage	3,000
General Farm Storage Structure	3,000
Fencing and Land Development	10,000
Water Supply and Sewage Disposal Systems	3,800
Total Piedmont Test Farm	$129,100

Any remaining balance of said proceeds, after payments for the projects enumerated herein have been made, shall be reverted to the Agriculture Fund of the State.

Sec. 2½. The provision of Section 2 of Chapter 969 of the Session Laws of 1953 whereby repayment of the loan is required to be made prior to July 1, 1955, is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 581 **CHAPTER 1322**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ANSON COUNTY TO CALL A SPECIAL ELECTION FOR THE AUTHORIZATION OF AN INDUSTRIAL DEVELOPMENT TAX FOR ANSON COUNTY AND TO CREATE AND FIX THE POWERS OF AN INDUSTRIAL DEVELOPMENT COMMISSION FOR ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Anson County are hereby authorized, empowered and shall call a special election upon the duly presented petition of any one hundred (100) qualified voters of Anson County, to determine whether it will be the will of the qualified voters of said county that they levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax at a rate not to exceed two cents (2c) on each one hundred dollars ($100.00) valuation of property in said Anson County, to be known as an Industrial Development Tax, the funds therefrom, if the levy be authorized by the voters of Anson County to be used for the purpose of attracting new and diversified industries to Anson County, and for the encouragement of new business and industrial ventures by local as well as foreign capital.

Sec. 2. There shall be no new registration of the voters of Anson County for such election. The registration books shall be open for the registration of new voters of Anson County at nine o'clock A.M. Eastern Standard Time, on the fourth Saturday before such election, and the said books shall be closed at sunset on the second Saturday before such election. The Saturday immediately before the election day shall be "Challenge Day". The registrar of each precinct of Anson County shall be furnished with a registration book and it shall be his duty between the hours of nine o'clock A.M., Eastern Standard Time, and sunset on each day during the period when the registration books are open, to keep open said books for the registration of new voters of Anson County residing within such precinct and entitled to registration. On each Saturday during the period of registration, the registrar shall attend with his registration books at the polling place of his precinct between the hours of nine o'clock A.M., Eastern Standard Time, and sunset, for the registration of voters.

Sec. 3. A notice of such registration of new voters shall be published in the newspaper circulated in Anson County, once, not less than thirty days before and not more than forty days before the closing of the registration books, stating the hours and days for registration. It shall not be necessary to specify in said notice the places for said registration, except that the said notice shall state that on each Saturday during the period of registration, each registrar of Anson County will attend with his registration books at the polling place of his precinct, between the hours of nine A. M., Eastern Standard Time, and sunset, for the registration of voters.

Sec. 4. The registrars appointed for such election are directed and shall be empowered and ordered to enter upon the registration books the names

of any and all legal residents of Anson County, who are or could legally be enfranchised as qualified voters for regular general elections, not heretofore registered, and who may present themselves to be registered. In addition to registering such qualified persons who so present themselves during the specified hours of registration, the said registrars are hereby authorized and empowered during any interim period from nine o'clock A. M. on the first set Saturday of registration to and inclusive of five o'clock P. M. on the fourth such Saturday, to see and contact at their homes or elsewhere any such duly qualified persons and to register them upon the registration books.

Sec. 5. The hours for such an election, on a date to be designated by the Board of County Commissioners of Anson County, shall be and are hereby fixed at seven o'clock A. M. to seven o'clock P. M. The said special election, if called, shall be under the control and supervision of the Anson County Board of Elections and at such special election said election board shall cause to be placed at each voting precinct in Anson County a ballot box marked "Industrial Development Tax Election". At said election all voters of Anson County who are duly qualified electors and who are duly registered may vote in said election. Each of said voters when he or she comes to the polling place to vote shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words "For Industrial Development Tax" and "Against Industrial Development Tax", which alternates shall appear separated from each other on one ballot containing, opposite and to the left of each alternate, squares of appropriate size in one of which squares the voters may make a mark "X" to designate the voter's choice for or against such tax. Such ballots shall be printed on white paper, and each polling place in Anson County shall be supplied with a sufficient number of ballots not later than the day before the election.

Sec. 6. The duly appointed judges and other election officials as named and fixed by the Anson County Board of Elections shall count the ballots so cast in such election and the results of the election shall be officially canvassed, certified and announced by the proper officials of the Anson County Board of Elections, according to the manner of canvassing, certifying and announcing the elections held under the general election laws of the State. Except as herein otherwise provided, the registration and election herein provided for shall be conducted in accordance with the general election laws of the State as provided for local elections.

Sec. 7. If a majority of the qualified voters, voting in such election, favor the levying of such a tax, the Board of Commissioners of Anson County are hereby authorized to levy such a tax at a rate not to exceed two cents (2c) on each one hundred dollars ($100.00) of assessed value of real and personal property taxable in Anson County.

Sec. 8. If the majority of the qualified voters voting in such election favor the levying of such a tax, then and in that event there is hereby created a commission to be known as the Industrial Development Commission for Anson County; such Commission shall be composed of nine members, to be named by the Anson County Board of Commissioners as follows:

one member from the Town of Ansonville; one member from the Town of Lilesville; one member from the Town of McFarlan; one member from the Town of Morven; one member from the Town of Peachland; one member from the Town of Polkton; one member from the Town of Wadesboro; two remaining members to be named at large from any part of Anson County, and they shall serve until their successors have been appointed and qualified. All appointments for unexpired terms resulting from resignation, death or other causes shall be made by the Anson County Commissioners. The Commission shall hold its first meeting within thirty (30) days after its appointment as provided for in this Act, and the beginning date of all terms of office of the commissioners shall be the date of the initial appointments. After the members of the Commission shall have been appointed and at the time of the holding of the first meeting, they shall, by a majority vote, name and select, from their own membership, their own chairman, vice chairman, secretary and treasurer, and shall draw up and ratify their own bylaws and procedural rules and policies. The Commission member who shall be named treasurer shall have supervision of all funds administered by the Commission in any way whatsoever; shall sign and countersign all checks, drafts, bills of exchange, or any and all other negotiable instruments which shall properly be issued under his supervision; and shall furnish such surety bond as shall be designated by the Board of Commissioners of Anson County. No money, property or funds of the Commission herein created shall be used directly or indirectly as a subsidy or investment in capital stock or capital assets in any business, industry or business venture.

Sec. 9. That under the supervision and judisdiction of the Industrial Development Commission for Anson County, there shall be set up a bureau, the purpose of which shall be to encourage new business and industrial development based on either local or foreign capital, in any and all ways which may be deemed advisable by the Commission; that the Commission shall have charge of the activities of this bureau, full supervision of its operation and full responsibility for its actions; that this jurisdiction shall include employment of personnel for the bureau; supervision of its purchases and expense accounts; and administration of responsibility for all the tax funds which shall be turned over to the Commission by county authorities from the industrial development tax and any and all other funds which may come into its hands; that the Commission shall, with the consent and approval of the board of county commissioners, be empowered to lease, rent, or purchase, or otherwise obtain suitable quarters and office space for an industrial development bureau; to lease, rent, or purchase necessary furniture, fixtures, and other equipment. Said Commission shall be empowered and is hereby authorized to purchase advertising space in periodicals which may be selected for that purpose; and to otherwise engage in any and all activities which shall, in its discretion, promote the business and industrial development and general economic welfare of Anson County; and shall have full power to exercise any and all other proper authority in connection with its duties and not expressly mentioned herein.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 585 CHAPTER 1323

AN ACT AMENDING ARTICLE 2, CHAPTER 116 OF THE GENERAL STATUTES SO AS TO AUTHORIZE THE BOARD OF TRUSTEES OF THE WESTERN CAROLINA COLLEGE TO ESTABLISH AND ADMINISTER AN ENDOWMENT FUND TO BE CREATED TO FURTHER THE PURPOSES FOR WHICH SAID COLLEGE WAS CREATED AND TO TRANSFER TO SAID ENDOWMENT FUND CERTAIN UNNEEDED MONIES NOW ON HAND.

The General Assembly of North Carolina do enact:

Section 1. That Article 2, Chapter 116 of the General Statutes, as the same appears in Volume 3A and the 1953 Supplement thereto be, and the same is hereby amended by adding at the end of said Article a new Section to be numbered G. S. 116-55.1 and reading as follows:

"G. S. 116-55.1 (1) The Board of Trustees of the Western Carolina College, together with other persons who may be appointed by them, not to exceed nine in number, and to be known as 'The Trustees of the Endowment Fund of the Western Carolina College' are hereby created a body politic to do the specific things hereinafter enumerated.

(2) The Chairman of the Board of Trustees of the Western Carolina College shall be the Chairman of the 'Trustees of the Endowment Fund'.

(3) The trustees of said endowment fund may receive gifts, donations and bequests and may use the same as a permanent endowment fund. Said trustees may include in said permanent endowment fund any other monies or properties of any kind that may come to the board of trustees of said college or to the trustees of the endowment fund, excepting always, the appropriations and monies received from tuition, fees and the like, collected from students and used for the general operation of the college. Said board of trustees is hereby authorized and empowered to transfer to said endowment fund the unneeded portion of the Student Loan Fund of said college and the unneeded portion of the Hydro-electric Funds which are now on hand or which may accumulate in the future.

(4) It shall be the duty of the trustees of the endowment fund to invest funds coming into their hands in United States Government Bonds, North Carolina State Bonds or Savings and Loan Association's Certificates guaranteed by the Federal Depositor's Insurance Corporation.

(5) The principal of said endowment fund shall be kept intact and only the interest, dividends or incomes may be expended each year.

(6) In the management of the endowment fund, no discrimination shall

be made against any person from any state who may be eligible to register at the Western Carolina College.

(7) It is not the intent that the income from such endowment fund shall take the place of State appropriations or any part thereof, but shall supplement the State appropriations to the end that the Western Carolina College may increase its functions, may enlarge its areas of service and may become more useful to a greater number of people.

(8) The Board of Trustees of the Western Carolina College shall establish standards for scholarships to be awarded from the proceeds of said endowment fund and may change or alter said standards from time to time.

(9) Nothing in this Section shall be construed to prevent the trustees of the endowment fund from receiving gifts, donations and bequests and from using the same as the donor or donors designate.

(10) The trustees of the endowment fund are authorized to do all things deemed useful and wise by them to carry out the true intent and purposes of this Act."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 586 CHAPTER 1324

AN ACT AMENDING CHAPTER 235, SESSION LAWS OF 1947, RELATING TO FEES TO BE CHARGED BY THE CLERK OF THE SUPERIOR COURT OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 8 of Chapter 235, Session Laws of 1947, which amends G. S. 2-26, be and the same is hereby amended by striking from said Section the following language appearing in lines three and four on page 279:

"Five per cent (5%) on all fines, penalties, amercements, and taxes paid the clerk by virtue of his office," and inserting in lieu thereof the following: "The Clerk of the Superior Court shall add a collection fee of three per cent (3%) to the bill of costs in each civil and criminal action tried in the Superior Court or in the Richmond County Special Court, such collection fee to be placed in the general fund of the county."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 587 **CHAPTER 1325**

AN ACT TO AMEND HOUSE BILL NO. 1387, RATIFIED THE 20TH OF MAY, 1955, RELATING TO THE COMPENSATION OF THE SHERIFF OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of House Bill No. 1387, ratified the 20th of May, 1955, is rewritten to read as follows:

"Sec. 2. The Sheriff of Richmond County shall receive an annual salary of nine thousand dollars ($9000.00), payable in twelve (12) equal installments out of the General Fund of said county. In addition to the compensation herein prescribed, the Sheriff of Richmond County shall receive an annual allowance of twenty-one hundred dollars ($2100.00) for travel and other expenses incurred in the performance of the duties of his office. Said annual expense allowance shall be paid in twelve (12) monthly installments out of the General Fund of said county."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 588 **CHAPTER 1326**

AN ACT TO AMEND CHAPTER 314 OF THE SESSION LAWS OF 1951, RELATING TO THE PRACTICE OF PHRENOLOGY, PALMISTRY, FORTUNE TELLING OR CLAIRVOYANCE.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 314, Session Laws of 1951, is hereby amended by striking out the period at the end of the first sentence of said Section after the word "herein," inserting a semicolon in lieu thereof, and adding the following:

"Provided, however, that the Board of County Commissioners of Harnett County shall have the right and authority to regulate the practice of arts of phrenology, palmistry, fortune telling, and clairvoyance in Harnett County; and said Board of County Commissioners of Harnett County may, in their discretion, and upon written application authorize the issuance of license to practice said arts in Harnett County to persons of good character who have been a bona fide resident of Harnett County for six months, and who have never been convicted of a felony or any other crime involving moral turpitude, all of which must affirmatively appear from the written application for license filed with the Board of County Commissioners of Harnett County, who shall pass on and approve said application before authorizing issuance of license to the applicant; and if it appears that any false statement is knowingly made in said application and any license is received thereon, such license shall be re-

voked and the applicant subjected to the penalty provided by law for misdemeanors."

Sec. 2. This Act shall apply only to Harnett County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 589 CHAPTER 1327

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HARNETT COUNTY TO FIX THE SALARIES OF CERTAIN OFFICIALS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective on July 1, 1955, the Board of County Commissioners of Harnett County is authorized in its discretion to increase the salaries of the various elective and appointive officials of Harnett County in an amount not in excess of ten per cent (10%) of the salaries now being paid to such officials or employees.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 590 CHAPTER 1328

AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR MORE EFFECTIVE INVESTIGATION OF HIGHWAY FUEL TAX REFUND REQUESTS.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other appropriations provided by law, there is hereby further appropriated out of the Highway and Public Works Fund of the State to the State Department of Motor Vehicles, in cooperation with the State Department of Revenue, for the purpose of making a more thorough examination and investigation of highway fuel refund requests, the sum of seven thousand five hundred dollars ($7,500.00) for the fiscal year beginning July 1, 1955, and ending June 30, 1956, and the sum of seven thousand five hundred dollars ($7,500.00) for the fiscal year beginning July 1, 1956, and ending June 30, 1957.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 101 **CHAPTER 1329**

AN ACT AUTHORIZING THE GOVERNOR AND COUNCIL OF STATE TO FURNISH VOLUMES 1A, 1B, AND 1C OF THE GENERAL STATUTES OF NORTH CAROLINA TO THE JUSTICES OF THE SUPREME COURT, THE JUDGES AND SOLICITORS OF THE SUPERIOR COURTS, THE SUPREME COURT LIBRARY AND OTHER STATE OFFICIALS AND AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. The Governor and Council of State are hereby authorized to purchase sets of Volumes 1A, 1B, and 1C of the General Statutes of North Carolina, prepared and published by The Michie Company under the supervision of the Department of Justice of the State of North Carolina, such purchases to be at the State contract price, and in such number as the Governor and the Council of State may deem necessary. The Governor and Council of State shall distribute the volumes so purchased, in such number and in such manner as to them may seem desirable or needful, to the Justices of the Supreme Court, the Judges of the Superior Courts, the Solicitors of the Judicial Districts, the Supreme Court Library and to various other State officials, departments and agencies for any proper State use.

Sec. 2. The Governor and Council of State are hereby authorized to expend out of the Contingency and Emergency Fund whatever sum may be necessary to purchase sets of Volumes 1A, 1B, and 1C as provided in this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 132 **CHAPTER 1330**

AN ACT TO REGULATE THE HANDLING, SALE AND DISTRIBUTION OF BARBITURATE DRUGS.

The General Assembly of North Carolina do enact:

Section 1. Definitions. As used in this Act

(1) The term "barbiturate drug" means (A) the salts and derivatives of barbituric acids or compounds, preparations or mixtures thereof, and (B) drugs, compounds, preparations or mixtures which have a hypnotic or somnifacient effect on the body of a human or animal, to be found by the State Board of Pharmacy and duly promulgated by rule or regulation; except that the term "barbiturate drug" shall not include any drug the manufacture or delivery of which is regulated by the narcotic drug laws of this State: Provided, however, that the term "barbiturate drug" shall not include compounds, mixtures, or preparations containing salts or derivatives of barbituric acid when such compounds, mixtures, or prepara-

tions contain a sufficient quantity of another drug or drugs, in addition to such salts or derivatives, to cause it to produce an action other than its hypnotic or somnifacient action.

(2) The term "delivery" means sale, dispensing, giving away, or supplying in any other manner.

(3) The term "patient" means, as the case may be, (A) the individual for whom a barbiturate drug is prescribed or to whom a barbiturate drug is administered, or (B) the owner or the agent of the owner of the animal for which a barbiturate drug is prescribed or to which a barbiturate drug is administered, provided that the prescribing or administering referred to in (A) and (B) hereof is in good faith and in the course of professional practice only.

(4) The term "person" included individual, corporation, partnership, and association.

(5) The term "practitioner" means a person licensed in this State to prescribe and administer barbiturate drugs, as herein defined, in the course of his professional practice; professional practice of a practitioner means treatment of patients under a bona fide practitioner-patient relationship.

(6) The term "pharmacist" means a person duly registered with the State Board of Pharmacy pursuant to Chapter 90, Article 4 of the General Statutes of North Carolina.

(7) The term "prescription" means a written order issued by a practitioner in good faith in the course of his professional practice to a pharmacist for a barbiturate drug for a particular patient, which specifies the date of its issue, the name and address of such practitioner, the name and address of the patient, (and if such barbiturate drug is prescribed for an animal, the species of such animal,) the barbiturate drug and quantity of the barbiturate drug prescribed, the directions for use of such barbiturate drug, and the signature of such practitioner, or in cases of emergency, a telephonic order therefor made by such practitioner and promptly reduced to writing, and filed, by the pharmacist. The written statement of the telephonic order shall be signed by the pharmacist and shall include the name of the issuing practitioner and all information required in a written order.

(8) The term "manufacturer" means a person who manufactures barbiturate drugs, and includes persons who prepare such barbiturate drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process, but does not include pharmacists so preparing such barbiturate drugs solely for dispensing on prescriptions received or to be received by them.

(9) The term "wholesaler" means a person engaged in the business of distributing barbiturate drugs to persons included in any of the classes named in clauses (a) to (e) inclusive of Section 3 (1) (B) of this Act.

(10) The term "warehouseman" means a person who, in the usual course of business, stores barbiturate drugs for others lawfully entitled to possess them and who has no control over the disposition of such barbiturate drugs except for the purpose of such storage.

Sec. 2. Prohibited Acts. It shall be unlawful

(1) To deliver any barbiturate drugs unless:

(A) Such barbiturate drug is delivered by a pharmacist in good faith upon prescription and there is affixed to the immediate container in which such barbiturate drug is delivered a label bearing (a) the name and address of the establishment from which such barbiturate drug was delivered; (b) the date on which the prescription for such barbiturate drug was filled; (c) the number of such prescription as filed in the prescription files of the pharmacist who filled such prescription; (d) the name of the practitioner who prescribed such barbiturate drug; (e) the name of the patient, and if such barbiturate drug was prescribed for an animal, a statement showing the species of the animal; and (f) the direction for use of the barbiturate drug and cautionary statements, if any, as contained in the prescription; and

(B) In the event that such delivery is pursuant to telephonic order, such prescription shall be promptly reduced to writing and filed by the pharmacist; or

(C) Such barbiturate drug is delivered by a practitioner in good faith and in the course of his professional practice only.

(2) To refill any prescription for a barbiturate drug unless such refilling is specifically authorized by the practitioner.

(3) For any person to possess a barbiturate drug unless such person obtained such barbiturate drug in good faith on the prescription of a practitioner or in accordance with Section 2 (1) (C) of this Act or in good faith from a person licensed by the laws of any other state or the District of Columbia to prescribe or dispense barbiturate drugs.

(4) For any person to obtain or attempt to obtain a barbiturate drug by fraud, deceit, misrepresentation, or subterfuge; or by the forgery or alteration of a prescription; or by the use of a false name or the giving of a false address.

Sec. 3. Exemptions.

(1) The provisions of paragraph (1) and (3) of Section 2 of this Act shall not be applicable (A) to the delivery of barbiturate drugs for medical or scientific purposes only to persons included in any of the classes hereinafter named, or to the agents or employees of such persons, for use in the usual course of their business or practice or in the performance of their official duties, as the case may be; or (B) to the possession of barbiturate drugs by such persons or their agents or employees for such use; (a) Pharmacists; (b) Practitioners; (c) Persons who procure barbiturate drugs (i) for disposition by or under the supervision of pharmacists or practitioners employed by them, or (ii) for the purpose of lawful research, teaching, or testing and not for resale; (d) Hospitals and other institutions which procure barbiturate drugs for lawful administration by or under the supervision of practitioners; (e) Manufacturers and wholesalers; (f) Carriers and warehousemen.

(2) Nothing contained in Section 2 of this Act shall make it unlawful for a public officer, agent or employee, or person aiding such public officer in performing his official duties to possess, obtain, or attempt to obtain

a barbiturate drug for the purpose of enforcing the provisions of any law of this State or of the United States relating to the regulation of the handling, sale or distribution of barbiturate drugs.

Sec. 4. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this Article, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this Article, and the burden of proof of any such exception, excuse, proviso, or exemption shall be upon the defendant.

Sec. 4½. Persons (other than carriers) to whom the exemptions to this Article are applicable shall retain all invoices relating to barbiturate drugs manufactured, purchased, sold and handled for not less than two calendar years after the date of the transaction shown by such invoice.

Sec. 5. State Board of Pharmacy and peace officers to enforce Article. It is hereby made the duty of the State Board of Pharmacy, its officers, agents, inspectors and representatives, and of all peace officers, within the State, including the State Bureau of Investigation, and of all State's attorneys, to enforce all provisions of this Article, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this State and of all other states, relating to narcotic drugs. The State Bureau of Investigation is hereby authorized to make initial investigations of all violations of this Article, and is given original but not exclusive jurisdiction in respect thereto with all other law enforcement officers of the State.

Sec. 6. Penalties. Any person violating any provision of this Article or any person who conspires, aids, abets, or procures others to violate any provision of this Article shall for the first offense be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for not more than two years, or both, in the discretion of the court. For a second violation of this Article, or in case of a first conviction of a violation of this Article by a defendant who shall previously have been convicted of a violation of any law of the United States, or of this or any other State, territory or district, relating to the possessions, delivery or use of the drugs defined in this Article which violation would have been punishable under this Article if the offending act had been committed in this State, the defendant shall be guilty of a felony and fined or imprisoned, or both, in the discretion of the court.

Sec. 7. Partial Invalidity. If any Section or portion of this Act shall for any reason be held invalid, such invalidity shall not affect the remainder, it being the legislative intent that such remaining portions of this Act shall continue in full force and effect with the invalid part stricken therefrom.

Sec. 8. G. S. 90-81 to 90-85 inclusive are hereby repealed.

Sec. 9. All other laws and clauses of laws, inconsistent with the provisions of this Act, are hereby repealed to the extent of such inconsistency.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 170 CHAPTER 1331

AN ACT TO PROVIDE FOR THE DETERMINATION OF THE AMOUNT OF THE DEDUCTIONS FOR DEPRECIATION AND OBSOLESCENCE OF PROPERTY AND FOR EXPENSES IN CARRYING ON ANY TRADE OR BUSINESS IN COMPUTING INCOME TAX LIABILITY TO THE STATE, AND TO PERMIT THE FILING OF RETURNS ON THE BASIS OF FISCAL YEARS VARYING FROM 52 TO 53 WEEKS.

The General Assembly of North Carolina do enact:

Section 1. Section 105-147 of the General Statutes of North Carolina is hereby amended by deleting therefrom the first three paragraphs of subsection 8 thereof and inserting in lieu thereof the following:

"8. A reasonable allowance for depreciation and obsolescence of property used in the trade or business, which allowance shall be measured by the estimated life of such property; and in the case of mines, oil and gas wells, other natural deposits and timber, a reasonable allowance for depletion.

"The cost of property acquired on or since January 1, 1921, plus the cost of additions and improvements, shall be the bases for determining the amount of the allowance for depreciation and obsolescence. If the property was acquired prior to January 1, 1921, the book value of the property as of that date shall be the basis for determining the amount of the allowance for depreciation and obsolescence. Notwithstanding the provisions of the two preceding sentences, the basis for determining the amount of the allowance for depreciation and obsolescence shall be the book value of the property in all cases in which the Federal Government uses the book value to determine the deduction allowed by it for depreciation or obsolescence under the provisions of Section 167 of the Internal Revenue Code of 1954.

"For any income years ending after December 31, 1953, the amount of the deduction for depreciation and obsolescence shall be computed by the same method used by the taxpayer in computing the income tax due from the taxpayer to the United States for such income year if such method is pursuant to the provisions of Section 167 of the Internal Revenue Code of 1954. If such taxpayer files no income tax return for such income year with the United States under the Internal Revenue Code of 1954 or files such a return but no deduction is claimed therein for depreciation or obsolescence or the deduction claimed therein for depreciation or obsolescence is not computed pursuant to Section 167 of the Internal Revenue Code of 1954, a reasonable allowance for depreciation and obsolescence shall be determined in accordance with regulations to be

established by the Commissioner of Revenue or, in the absence of such regulation, pursuant to the straight line method.

"In determining a reasonable allowance for depletion of mines, oil and gas wells, and other natural deposits the cost of development not otherwise deducted will be allowed as depletion, and in the case of leases, the deduction allowed may be equitably apportioned between the lessor and the lessee.

"The basis for determining the allowance for depletion shall be the book value of the property in all cases in which the Federal Government uses the book value to determine the deduction allowed by it for depletion under the provisions of the Internal Revenue Code of 1954.

"The provisions of this subsection shall not apply to any corporation the net income of which is required to be computed under the provisions of Section 105-136 of the General Statutes of North Carolina."

Sec. 2. Section 105-132 of the General Statutes of North Carolina is hereby amended by adding to paragraph 11 thereof a sentence to read as follows:

"A taxpayer who pursuant to the provisions of Section 441 (f) of the Federal Internal Revenue Code of 1954 has elected to compute his income tax liability to the United States on the basis of an annual period varying from 52 to 53 weeks, for any income year ending after August 16, 1954, shall compute his taxable income for the purposes of this Act on the basis of the same period used by such taxpayer in accordance with the Federal Internal Revenue Code of 1954 in computing his tax liability to the United States for such income year."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 171 CHAPTER 1332

AN ACT TO PROVIDE FOR AN ALLOWANCE OF A DEDUCTION WITH RESPECT TO THE AMORTIZATION OF EMERGENCY FACILITIES IN COMPUTING INCOME TAX LIABILITY TO THE STATE AND TO ALLOW TAXPAYERS ENGAGED IN FARMING TO DEDUCT EXPENDITURES FOR SOIL OR WATER CONSERVATION OR PREVENTION OF EROSION.

The General Assembly of North Carolina do enact:

Section 1. Section 105-147 of the General Statutes of North Carolina is hereby amended by inserting therein following subsection 8 and preceding subsection 9 a new subsection to be numbered 8½ and to read as follows:

"8½. An allowance with respect to the amortization of the cost of any emergency facility, as such facility is defined in Section 168 of the Federal Internal Revenue Code of 1954, based on a period of 60 months,

and an allowance with respect to the amortization of the cost of a grain storage facility, as such facility is defined in Section 169 of the Federal Internal Revenue Code of 1954, based on a period of 60 months. The amount of such allowance for the amortization of the cost of any such facility shall not exceed the amount of the allowance claimed therefor by the taxpayer in the taxpayer's income tax return filed with the United States for such income year or the amount allowable therefor pursuant to the provisions of Section 168 or Section 169 of the Federal Internal Revenue Code of 1954. This paragraph shall not relate to the determination of the liability of any taxpayer for income tax due to the State of North Carolina for any income year ending on or prior to December 31, 1954, nor shall it affect in any way the validity of any assessment for income taxes due for any such year to the State of North Carolina heretofore made by the Commissioner of Revenue or his authorized representative, or the liability of any taxpayer for the payment of any tax, interest, or penalty so assessed, and shall apply only to construction completed and/or assets acquired on or subsequent to January 1, 1955. Any deduction for the amortization of any such facility claimed and allowed pursuant to this subsection shall be in lieu of any deduction for the depreciation or obsolescence of such facility which would otherwise be allowed pursuant to the provisions of subsection 8 of this Section. The provisions of this subsection shall not apply to any corporation the net income of which is required to be computed under the provisions of Section 105-136 of the General Statutes of North Carolina."

Sec. 2. Section 105-147 of the General Statutes of North Carolina is further amended by adding at the end of subsection 1 thereof a new paragraph to be designated by the appropriate letter and to read as follows:

"As to taxpayers engaged in the business of farming, reasonable expenditures paid and reasonable indebtedness incurred during the income year for the purpose of soil or water conservation in respect of land used in farming, or for the prevention of erosion of land used in farming. The amount of such expenditures and indebtedness claimed as a deduction under this paragraph shall not exceed the amount of the deduction therefor claimed by the taxpayer upon his income tax return filed with the United States for such income year or the amount allowable therefor in accordance with the provisions of Section 175 of the Federal Internal Revenue Code of 1954. No deduction shall be allowed in any income year on account of the depreciation, obsolescence, or amortization of any structure, improvement, or property any part of the cost of which has been claimed as an expense deductible under this subsection."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 271 CHAPTER 1333

AN ACT TO AMEND ARTICLE 5 OF CHAPTER 67 OF THE GENERAL STATUTES RELATING TO AN ACT FOR THE PROTECTION AND ADVANCEMENT OF THE SHEEP RAISING, POULTRY AND LIVESTOCK INDUSTRY IN NORTH CAROLINA AND CREATING THE OFFICE OF COUNTY DOG WARDEN IN FURTHERANCE OF THE PROVISIONS OF THIS ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 67-30, as the same appears in Volume 2B of the General Statutes, Cumulative Supplement of 1953, is hereby amended by inserting after the period after the word "tax" and before the word "After", in line four of said Section, the following sentence:

"When the county dog tax fund is insufficient to pay the salary and travel allowance of the county dog warden so appointed, the board of county commissioners is authorized to appropriate funds from its general fund or from any nontax or surplus funds to supplement the dog tax fund so that the salary and travel allowance of the dog warden may be paid".

Sec. 2. G. S. 67-32, as the same appears in Volume 2B of the General Statutes, Cumulative Supplement of 1953, is hereby amended by striking out in line five of said Section the words "not to exceed 15 days" and inserting in lieu thereof the words "to be determined by the board of county commissioners", and by striking out in line nine the numerals and words "15-day period" and inserting in lieu thereof the words "holding period to be determined by the board of commissioners".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 579 CHAPTER 1334

AN ACT PROVIDING FOR THE REGULATION OF THE SUBDIVISION OF LAND IN AND AROUND MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Section 1. That Sections 160-226 and 160-227 of the General Statutes of North Carolina are hereby repealed and that the following Sections are hereby substituted in lieu thereof:

160-226. MUNICIPAL LEGISLATIVE BODY AS PLATTING AUTHORITY. The legislative body of any incorporated city or town is hereby authorized to enact an ordinance regulating the platting and recording of any subdivision of land as defined by this Act lying within the municipality or within one mile in all directions of its corporate limits and not located in any other municipality. In the event of land

lying outside a municipality and lying within a distance of one mile or more than one municipality, the jurisdiction of each such municipality shall terminate at a boundary line equidistant from the respective corporate limits of each such municipality.

160-226.1. PROCEDURE FOR ADOPTING SUBDIVISION ORDINANCE. Before the legislative body of any municipality shall adopt a Subdivision Control Ordinance or any amendment thereto under the provisions of this Act, the legislative body shall hold a public hearing on the proposed ordinance. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in such municipality, or if there be no newspaper published in the municipality, by posting such notice at four public places in the municipality, said notice to be published the first time, or posted, not less than fifteen days nor more than twenty-five days prior to the date fixed for said hearing.

160-226.2. PROCEDURE FOR FILING PLAT. If the legislative body of a municipality adopts an ordinance regulating the subdivision of land as authorized herein, no subdivision plat shall be filed or recorded until it shall have been submitted to and approved by said legislative body and such approval entered in writing on the plat by the city or town clerk provided a copy of such ordinance shall be filed with the register of deeds of the county or counties in which the municipality is situated. The register of deeds upon receipt of such ordinance shall not thereafter file or record a plat of a subdivision of land located within the territorial jurisdiction of such municipal legislative body as defined herein without the approval of such plat by said legisaltive body as required in this Act. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of any municipality as defined herein. No Clerk of Superior Court shall order or direct the recording of a plat where such recording would be in conflict with this Section.

160-226.3. SUBDIVISION REGULATIONS. Prior to exercising the powers granted to it by this Act, the municipal legislative body shall by ordinance adopted pursuant to this Act adopt regulations governing the subdivision of land within its platting jurisdiction as defined in Section 160-226. Such ordinance shall require that at least a preliminary plan of every proposed subdivision shall be submitted for study recommendation and tentative approval to the legislative body or to a planning board created and appointed under the authority of Sections 160-22 to 160-24 of the General Statutes or other similar statutory authority.

Such ordinance may provide for the orderly development of the municipality and its environs; for the coordination of streets within proposed subdivisions with existing or planned streets or with other public facilities; for the dedication or reservations of rights of way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding, and which shall create conditions essential to public health, safety, and general welfare.

Such ordinance may include requirements for the final plat to show

sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

160-226.4 EFFECT OF PLAT APPROVAL ON STATUS OF DEDICATIONS. The approval of a plat by the legislative body shall not be deemed to constitute or effect the acceptance by the municipality or public of the dedication of any street or other ground, public utility line, or other public facility shown upon the plat.

160-226.5. PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS. If the legislative body of a municipality adopts an ordinance regulating the subdivision of land as authorized herein, any person who, being the owner or agent of the owner of any land located within the platting jurisdiction granted to the municipality by Section 160-226, thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by said legislative body and recorded in the office of the appropriate register of deeds, shall be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality, through its city attorney or other official designated by its local legislative body, may enjoin such transfer or sale by action for injunction.

160-226.6. DEFINITIONS. For the purpose of this Act, the following definition shall apply:

Subdivision. A "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Act: (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations, (2) the division of land into parcels greater than five acres where no street right of way dedication is involved; (3) the public acquisition by purchase of strips of land for the widening or opening of streets; (4) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right of way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations.

160-227. POWERS GRANTED HEREIN SUPPLEMENTARY. The powers granted to municipalities by this Act shall be deemed supplementary to any powers heretofore or hereafter granted in their charters or by local statute for the same or a similar purpose, and in any case where the provisions of this Act conflict with or are different from such provisions

of any charter or local statute, the legislative body of the municipality may in its discretion proceed in accordance with the provisions of such charter or local statute, or, as an alternative method, in accordance with the provisions of this Act.

Sec. 2. Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Cabarrus, Caldwell, Catawba, Chowan, Cleveland, Columbus, Dare, Davie, Duplin, Durham, Forsyth, Franklin, Guilford, Greene, Granville, Halifax, Harnett, Hoke, Johnston, Jones, Lee, Lenoir, Macon, Martin, McDowell, Mecklenburg, Montgomery, New Hanover, Northampton, Onslow, Pender, Person, Polk, Richmond, Rockingham, Rowan, Scotland, Stokes, Surry, Transylvania, Warren, Watauga, Wayne, and Yadkin Counties are hereby exempt from the provisions of this bill.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 757 CHAPTER 1335

AN ACT AMENDING G. S. 115-85 RELATING TO THE ACQUISITION OF SCHOOL SITES BY CONDEMNATION.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 115-85 or Section 1 of Article 15, Chapter 115 of the General Statutes, as the case may be be and the same is hereby amended by adding at the end thereof the following:

"In condemnation proceedings under this Section the procedure shall be the same as that provided in Article 2, Chapter 40, of the General Statutes to the extent that this Section does not fully set forth the procedure to be followed. In condemnation proceedings under this Section the provisions of G. S. 40-10 shall not be applicable."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 597 CHAPTER 1336

AN ACT TO REIMBURSE I. D. HINTON, HELEN REINHART, ASHLEY HORN, GEORGE H. HOLMES, PAUL JONES AND DAVID HORNADAY FOR PERSOAL EXPENSES AND OBLIGATIONS INCURRED IN CONNECTION WITH AN INCIDENT WHILE CARRYING OUT THEIR DUTIES AS EMPLOYEES OF THE PRISON DEPARTMENT.

WHEREAS, I. D. Hinton, Superintendent, (Miss) Helen Reinhart, Assistant Superintendent, Ashley Horn, George H. Holmes, Paul Jones and David Hornaday, guards, employed by the State Prison Department at Womans Prison, Raleigh, North Carolina, were accused of culpable negli-

gence in connection with the death of an inmate of Womans Prison, by the name of Eleanor Rush, on August 20, 1954; and

WHEREAS, these State employees were carrying out their duties as employees while on the job at Womans Prison; and

WHEREAS, in the process of doing their duties they were falsely accused of criminal negligence in the discharge of their duties allegedly resulting in the death of the said Eleanor Rush; and

WHEREAS, the circumstances surrounding the incident and the conduct of these State employees was fully investigated at a coroner's inquest held in the Wake County Courthouse, Raleigh, North Carolina, and heard before the coroner and a coroner's jury chosen, sworn and empaneled for this purpose; and

WHEREAS, these employees were found by the coroner and said coroner's jury to be not guilty of culpable negligence in the process of carrying out their duties as employees; and

WHEREAS, they were compelled to defend themselves and in so doing incurred costs in the sum of fifteen hundred dollars ($1500.00); and

WHEREAS, there is no means by which these State employees can recover for the expenses incurred personally by them to defend themselves against charges brought against them in the performance of their duties as State employees; and

WHEREAS, it is deemed equitable and proper that the State of North Carolina should reimburse the said I. D. Hinton, Helen Reinhart, Ashley Horn, George H. Holmes, Paul Jones and David Hornaday for the actual costs incurred in defending themselves against the charges brought against them because they were performing the duties required of them by the Prison Department of the State of North Carolina and, since the coroner's jury, at a hearing presided over by the Wake County Coroner, has found that they were not guilty of any culpable negligence in the performance of the duties required of them by the State; and

WHEREAS, the State of North Carolina has in the past reimbursed State employees for costs incurred by them in defending themselves against indictments or charges brought against them as State employees in the performance of their duties as State employees, and which State employees were exonerated of the charges: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the State Highway and Public Works Commission is hereby empowered and directed to pay I. D. Hinton, Helen Reinhart, Ashley Horn, George H. Holmes, Paul Jones and David Hornaday out of the appropriation of the Prison Department a sum not to exceed five hundred dollars ($500.00) which will reimburse them for actual expenses incurred by them in connection with the charges of criminal negligence in the performance of their duties and hearing before the coroner and coroner's jury held September 7th through the 8th, 1954.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 613 CHAPTER 1337

AN ACT TO EXPEDITE THE ADJUDICATION OF SMALL CLAIMS IN THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. The procedure for adjudicating small claims in the Superior Courts of this State shall be as herein set forth. A small claim is defined as:

(a) An action in which the relief demanded is a money judgment and the sum prayed for (exclusive of interests and costs of court) by the plaintiff, defendant, or other party does not exceed one thousand dollars ($1,000.00), which may include the ancillary remedy of attachment if the property to be attached does not exceed a value of one thousand dollars ($1,000.00); or,

(b) An action in which the relief demanded is the foreclosure of a lien on real or personal property where the sum prayed for does not exceed one thousand dollars ($1,000.00); or,

(c) An action in which the relief demanded is the recovery of personal property of a value not exceeding one thousand dollars ($1,000.00), which may include the ancillary remedy of claim and delivery if the property claimed does not exceed a value of one thousand dollars ($1,000.00); and in which no jury trial is demanded. This Act shall not apply to actions within the jurisdiction of courts of justice of the peace.

Sec. 2. Each Clerk of the Superior Court shall maintain a small claims docket. The Clerk shall docket in the small claims docket any action in which the relief demanded is a small claim, as defined above. In all such actions the plaintiff shall set forth in the caption of the complaint the words "Small Claim". If any party demands the foreclosure of a lien on real or personal property, the recovery of personal property, or the ancillary remedy of attachment, such party shall, in his pleading or by affidavit, state that the value of the property does not exceed one thousand dollars ($1,000.00). No prosecution bond shall be demanded of plaintiff when instituting a small claims action, but the Clerk shall require such advance deposit for costs as the board of county commissioners shall determine, but not in excess of the advance deposit for costs as in other actions.

Sec. 3. No jury trial shall be had in small claims actions, unless a party thereto shall demand a jury trial in the first pleading filed by him.

Sec. 4. If the defendant in a small claims action files an answer in which a jury trial is demanded or in which affirmative relief is demanded which is not a small claim, as defined above, the action shall be transferred to the regular civil issue docket.

Sec. 5. All civil appeals to the Superior Court from trial courts inferior to the Superior Court, which come within the above definition of a small claim, shall be placed upon the small claims docket, unless at the time the appeal is docketed in the Superior Court, or within ten days thereafter, a party to the action shall file with the Clerk a written demand for a jury trial.

Sec. 6. Any civil action instituted in the Superior Court, or any civil appeal to the Superior Court from a trial court inferior to the Superior Court, which comes within the above definition of a small claim and which was docketed in the Superior Court prior to the effective date of this Act, may be transferred to the small claims docket upon the written request of all parties to the action.

Sec. 7. This Act shall apply only to those counties in which the board of county commissioners shall by resolution adopt the provisions hereof.

Sec. 8. All general, special, Public, or Public-Local laws or clauses of such laws in conflict with this Act are hereby repealed as to counties that adopt the provisions of this Act upon their election so to do.

Sec. 9. This Act shall become effective on July 1, 1955.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 723

CHAPTER 1338

AN ACT TO AUTHORIZE AND EMPOWER THE GOVERNING BODY OF ANY MUNICIPALITY OR OTHER POLITICAL SUBDIVISION OF THE STATE TO APPROPRIATE NONTAX REVENUES FOR THE ESTABLISHMENT AND SUPPORT OF A PUBLIC ART GALLERY, MUSEUM OR ART CENTER LOCATED WITHIN THE MUNICIPALITY, OR OTHER POLITICAL SUBDIVISION OF THE STATE, AND TO AUTHORIZE AND EMPOWER THE GOVERNING BODY TO CALL A SPECIAL ELECTION TO LEVY A TAX FOR THE ESTABLISHEMENT AND SUPPORT OF A PUBLIC ART GALLERY, MUSEUM OR ART CENTER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-200 is hereby amended by adding a subsection immediately after subsection 39 to read as follows:

"40. The governing body of any municipality or other political subdivision of the State may, in its discretion, establish and support a public art gallery, museum or art center, using for such establishment and support any nontax revenues which may be available for such purposes. The word 'support' as used in this subsection shall include, but is not limited to, purchase of land for art gallery, museum or art center buildings, purchase and erection of buildings for art gallery, museums or art centers, purchase of paintings and other artistic works, purchase of materials and equipment, compensation of art gallery, museum or art center personnel, and all maintenance expenses for necessary property and equipment.

"The governing body of any municipality or other political subdivision

of the State may, in its discretion, submit to the voters at a special election the question of whether a special tax shall be levied for the support of such art gallery, museum or art center. Such question shall be submitted to the voters either at the next general election for the officers of the municipality or other political subdivision of the State, or at a special election to be called by the governing body of the municipality or other political subdivision of the State for that purpose: Provided, that no special election shall be held within sixty (60) days of any general election for State, county or municipal officers. Such special election shall be conducted according to the laws governing general elections for officers in such municipality or other political subdivision of the State. The form of the question as stated on the ballot shall be in substantially the words: 'For the levy of a special public art gallery, museum or art center tax of not more than .....cents (c)' and 'Against the levy of a special public art gallery, museum or art center tax of not more than .....cents (c)'. Such affirmative and negative forms shall be printed upon one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a mark (X). Provided, that the maximum tax levy to be submitted to the voters shall be determined by the governing body of such municipality or other political subdivision of the State, which maximum shall in no event exceed ten cents (10c) on the one hundred dollars ($100.00) valuation of property. If a majority of the qualified voters voting in such election favor the levy of the tax, the governing body of the municipality or other political subdivision of the State shall levy and cause to be collected as other general taxes are collected, a special public art gallery, museum or art center tax within the limits approved by the voters in an amount which, when taken with non-tax revenues, will be sufficient to meet annual appropriations for public art gallery, museum or art center purposes approved by the governing body of such municipality or other political subdivision of the State."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 751 CHAPTER 1339

AN ACT TO PROVIDE SPECIAL LICENSE PLATES FOR ANTIQUE OR HISTORIC MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 20 of the General Statutes is hereby amended by inserting in its appropriate place a new Section to be numbered G. S. 20-81.2, and to read as follows:

"G. S. 20-81.2. Special Plates for Historic Vehicles.—Notwithstanding

any other provisions of this Chapter, special license plates shall be issued upon application with respect to any motor vehicle of the age of thirty-five years or more from the date of manufacture. Such license plates shall be of the same colors as the regular license plates and shall be issued in a separate numerical series. On the plate there shall be printed the words 'Horseless Carriage', the license plate serial number, the words 'North Carolina' or the letters 'N. C.', and the appropriate calendar year. In lieu of other registration fees, the annual license registration fee for such vehicle shall be five dollars ($5.00). All other provisions of this Chapter not inconsistent herewith shall be applicable to such motor vehicles.

The Commissioner of Motor Vehicles is hereby authorized to make such rules as, in his discretion, may seem necessary with respect to applications for special plates, time for making applications and other matters necessary for the efficient administration of this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 760 CHAPTER 1340

AN ACT AMENDING G. S. 156-97 RELATING TO DRAINAGE DISTRICTS AND PROVIDING FOR THE COLLECTION OF INTEREST ON UNPAID ASSESSMENTS WITHOUT ISSUING BONDS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 156-97 as the same appears in Volume 3C of the General Statutes be and the same is hereby amended by adding at the end thereof the following:

"Provided, that when the amount of the unpaid assessments shall not exceed ten per centum of the total amount of assessments, the Board of Drainage Commissioners may not issue any bonds, and may levy an annual assessment of ten per centum of the unpaid assessments with interest at the rate of not more than six per centum per annum from the first day of September in the year following the completion of the drainage canals. The interest collected shall be on the unpaid balance of said assessments as of September 1st of each year. The installments and interest herein provided shall be collected in the same manner as provided for the collection of interest and principal installments for the payment of bonds."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 798 **CHAPTER 1341**

AN ACT TO REGULATE THE REBATE OF PREMIUMS ON CREDIT ACCIDENT AND HEALTH INSURANCE.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any insurance carrier or officer or agent of an insurance company writing credit life and credit accident and health insurance, as defined in Sections 58-195.2 and 58-254.8 of the General Statutes, or combination credit life, accident and health, hospitalization and disability insurance in connection with loans, to permit any agent or representative of such company to retain any portion of funds received for the payment of losses incurred, or to be incurred, under such policies of insurance issued by such company, or to pay, allow, permit, give or offer to pay, allow permit or give, directly, or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement credit or reduction of the premium, to any loan agency, insurance agency or broker, or to any creditor of the debtor on whose account the insurance was issued, or to any person, firm or corporation which received a commission or fee in connection with the issuance of such insurance: Provided, that this Act shall not prohibit the payment of commissions to a licensed insurance agent or agency on the sale of a policy of credit life and credit accident and health insurance, or combination credit life, accident and health, hospitalization and disability insurance in connection with loans.

It shall be unlawful for any broker, agent, agency or insured named in any such policy, or for any loan agency or broker, or any agent, officer or employee of any loan agency or broker to receive or accept, directly or indirectly, any such rebate, discount, abatement, credit or reduction of the premium as set out in this Act.

Sec. 1½. The maximum premium rates that may be charged on credit accident and health insurance as defined in Section 58-254.8 of the General Statutes shall be established from time to time by the Commissioner of Insurance on the basis of experience of companies writing this type of credit insurance after due notice and hearing and with full rights of appeal as provided in G. S. 58-9.2 and 58-9.3.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 943 **CHAPTER 1342**

AN ACT TO AMEND THE REVENUE ACT, BEING SUBCHAPTER I OF CHAPTER 105 OF THE GENERAL STATUTES, SO AS TO TAX THE INCOME OF DOMESTIC CORPORATIONS ON THE SAME BASIS AS THE INCOME OF FOREIGN CORPORATIONS DOING BUSINESS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Insert in G. S. 105-147, paragraph 10 (a) immediately after the first sentence thereof, which ends with the word "located", the following:

"All of said net income from such business or property in another state shall be deemed taxed in such other state if any income tax is levied thereon by such other state, regardless of any deductions, exemptions or credits allowed or allowable under the laws of such other state in computing the tax due to it."

Sec. 2. This Act shall not affect the liability of any corporation for income taxes heretofore paid or due and owing to the State of North Carolina for any income year ending prior to January 1, 1955. This Act shall apply with respect to any corporation's taxable year beginning after December 31, 1954. This Act shall not apply to pending litigation or any existing assessments; nor be considered in connection therewith.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 995 **CHAPTER 1343**

AN ACT TO PROVIDE FOR THE COMPUTATION OF THE TAXABLE PORTION OF DIVIDENDS ON CORPORATE STOCK FOR INCOME TAX PURPOSES AND TO DETERMINE THE TAXABLE PORTION OF SUCH SHARES OF STOCK UNDER THE INTANGIBLES TAX.

The General Assembly of North Carolina do enact:

Section 1. The provisions of Section 105-147 of the General Statutes of North Carolina are hereby amended by deleting therefrom paragraph 5 and inserting in lieu thereof a new paragraph 5 to read as follows:

"5. Dividends from stock issued by any corporation to the extent herein provided. As soon as may be practicable after the close of each calendar year, the Commissioner of Revenue shall determine from each corporate income tax return filed with him during such year, and due from the filing corporation during such year, the proportion of the total net income of the corporation upon which such corporation is liable to pay to this State an income tax under the provisions of this Article. A taxpayer who is a stockholder in any such corporation shall be allowed

to deduct from his gross income the same proportion of the dividends received by him from such corporation during his income year ending at or after the end of such calendar year. No deduction shall be allowed for any part of any dividend received by such taxpayer from any corporation which filed no income tax return with the Commissioner of Revenue during such calendar year. The total amount of dividends received by such taxpayer from a corporation of this State may be deducted by such taxpayer from his gross income if such corporation filed with the Commissioner of Revenue during such calendar year an income tax return due in such year but had no net income. Dividends received from a foreign corporation, which corporation filed with the Commissioner of Revenue during such calendar year an income tax return due in such year but had no net income for the year covered by such return, shall be deductible from the gross income of the taxpayer receiving them in the same proportion as if the corporation had had net income for such year. Dividends received by a taxpayer from stock in any insurance company of this State taxed under the provisions of Section 105-228.5 shall be deductible from the gross income of such taxpayer, and a proportionate part of any dividends received from stock in any foreign insurance corporation shall be deductible, such part to be determined on the basis of the ratio of premiums reported for taxation in this State to total premiums collected both in and out of the State. A taxpayer shall be allowed to deduct such proportionate part of dividends received by him from a North Carolina regulated investment company, as defined in Section 105-138 as represents and corresponds to income received by such regulated investment company which would not be taxed by this State if received directly by the North Carolina corporation or resident."

Sec. 2. The provisions of Section 105-203 of the General Statutes of North Carolina are hereby amended to read as follows:

"Sec. 105-203. Shares of stock. All shares of stock owned by residents of this State or having a business, commercial or taxable situs in this State on December thirty-first of each year, with the exception herein provided, shall be subject to an annual tax, which is hereby levied, of twenty-five cents (25c) on every one hundred dollars (100.00) of the total fair market value of such stock on December thirty-first of each year less such proportion of such value as is equal to the proportion of the dividends upon such stock deductible by such taxpayer in computing his income tax liability under the provisions of subsection 5 of Section 105-147.

"The tax herein levied shall not apply to shares of stock in building and loan associations which pay a tax as levied under Section 105-73.

"Indebtedness incurred directly for the purchase of shares of stock may be deducted from the total value of such shares: Provided, the specific shares of stock so purchased are pledged as collateral to secure said indebtedness; provided, further, that only so much of said indebtedness may be deducted as is in the same proportion as the taxable value of said shares of stock is to the total value of said shares of stock."

Sec. 3. The provisions of this Act shall not affect the tax liability

or the method of computing such tax liability of a taxpayer for any income year ending prior to the effective date of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective on and after December 31, 1955.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1079 CHAPTER 1344

AN ACT TO AMEND G. S. 105-65.1 TO CORRECT ERRORS IN THE GENERAL STATUTES RELATING TO THE TAX ON MERCHANDISE DISPENSERS AND WEIGHING MACHINES, AND G. S. 105-169 RELATING TO EXEMPTIONS FROM SALES TAX.

The General Assembly of North Carolina do enact:

Section 1. Paragraph (1) of G. S. 105-65.1 is hereby amended by striking out the words "less than 5c" as they appear in line 12 of said paragraph, and inserting in lieu thereof the words and figures "5c or more".

Further amend paragraph (1) of G. S. 105-65.1 by striking out the words "5c or more" as they appear in line 14 of said paragraph, and inserting in lieu thereof the words and figures "less than 5c".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1080 CHAPTER 1345

AN ACT AMENDING AND CLARIFYING VARIOUS SECTIONS OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 1-568.11(b)(4) by striking out the word "therefor", which appears at the end of said subparagraph, and inserting in lieu thereof the words "for the designation of such place."

Sec. 2. Amend G. S. 45-21.5(b) by striking out the word "when", which appears at the beginning of said subsection, and inserting in lieu thereof the word "where".

Sec. 3. Amend G. S. 7-129 by inserting the word "not" immediately following the word "does" and immediately preceding the word "exceed" in line 5 of said Section.

Sec. 4. Recodify G. S. 55-136 as the same appears in Volume 2B of the General Statutes of North Carolina as recompiled in 1950 as G. S. 44-5.1 under Article 1A, entitled "Wage Liens".

Sec. 5. The statutory form appearing at the end of G. S. 47-41, the

same being a form for proof of an attested instrument by a subscribing witness, is hereby amended by striking out the words "(acknowledged the execution thereof.)" appearing in line 14 of said form and inserting in lieu thereof the words "(acknowledged the execution of the foregoing instrument.)".

Sec. 6. The statutory form appearing at the end of G. S. 47-43.2, the same being a form for proof of an attested instrument by a subscribing witness, is hereby amended by striking out the words "(acknowledged the execution thereof)" appearing in line 13 of said form, and inserting in lieu thereof the words "(acknowledged the execution of the foregoing instrument.)".

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1102 CHAPTER 1346

AN ACT TO AMEND G. S. 1-97 RELATING TO SERVICE OF SUMMONS.

The General Assembly of North Carolina do enact:

Section 1. Section 1-97 of the General Statutes is hereby amended by rewriting subsection 1 of said Section to read as follows:

"1. (a) If the action is against a domestic corporation, to the president, vice president, secretary, assistant secretary, treasurer, assistant treasurer, cashier, assistant cashier, or any manager or person in charge of any office or plant maintained by the corporation;

(b) If the action is against a foreign corporation, to the president, vice president, secretary, assistant secretary, treasurer, or assistant treasurer, or the manager of any office or plant maintained in this State by the corporation or to any managing agent transacting business for the corporation in the State or to a director when he is in this State on business of the corporation.

(c) In addition, where the action is against a corporation, domestic or foreign, to the persons and in the manner provided in the Business Corporation Act, or in cases where it is applicable, the Non-Profit Corporation Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1957.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1132 **CHAPTER 1347**

AN ACT TO FOSTER AND PROMOTE THE BUILDING OF COMMUNITY ARMORIES AND TO MAKE AN APPROPRIATION OF NOT TO EXCEED TWO HUNDRED AND FIFTY THOUSAND DOLLARS ($250,000.00) EACH YEAR OF THE BIENNIUM 1955-1957 TO ENABLE THE STATE OF NORTH CAROLINA TO MATCH SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS ($750,000.00) IN FEDERAL FUNDS FOR EACH YEAR OF THE BIENNIUM BEGINNING 1 JULY 1955.

WHEREAS, the Congress of the United States enacted the National Defense Facilities Act of 1950 authorizing contributions to the several states for the construction of armories for units of the National Guard; and

WHEREAS, the Congress further provided that no contribution shall be made for any such armory in an amount exceeding seventy-five per cent (75%) of the cost of such armory to be constructed, and that in computing the amount to be contributed by any state the cost or market value of any real estate shall be excluded; and

WHEREAS, the Congress further provided that such armories could be used from time to time by persons or organizations other than members of units of the armed forces under such agreements as the State should deem appropriate; and

WHEREAS, many armory units of the National Guard are inadequately housed and are in serious and critical need of armory facilities if they are to continue to operate; and

WHEREAS, the State of North Carolina will be allocated the sum of seven hundred and fifty thousand dollars ($750,000.00) in matching funds for each year of the biennium beginning 1 July 1955 from the United States of America by appropriating two hundred and fifty thousand dollars ($250,000.00) for each year of the biennium for the purpose of building community armories for the National Guard in the State of North Carolina; and

WHEREAS, in addition to available Federal funds as outlined above the pay roll of full-time employees of the North Carolina National Guard and drill pay of officers and enlisted men of the Guard amounts to more than five million five hundred thousand dollars ($5,500,000.00) annually, all of which is paid from Federal funds: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the general fund the sum of sixty-two thousand five hundred dollars ($62,500.00) for each year of the biennium 1955-1957 to the North Carolina Armory Commission to be expended by it in the building of community armories for units of the North Carolina National Guard, upon a matching basis whereby the United States of America contributes seventy-five per cent (75%) of the cost of construction of said armories.

The appropriation provided for in this Section shall be allocated according to need to such cities, counties and towns of the State as the North

Carolina Armory Commission shall determine to be entitled thereto. The exact amount to be allocated to cities, counties and towns under this Act shall be determined by the North Carolina Armory Commission upon standards to be prescribed by it. Such standards shall be based on actual need of the funds by each city, county or town, including a definite plan for their use and an actual showing to and finding by the North Carolina Armory Commission pursuant to such standards that each individual city, county or town has made every reasonable effort to provide for its armory construction requirements. The State's contribution from the appropriation provided for in this Section for armory construction shall not exceed seventeen and one-half per cent (17½%) of the costs of any single armory project.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after 1 July, 1955.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1143 CHAPTER 1348

AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION, REPAIR, AND MAINTENANCE OF HISTORIC SITES.

WHEREAS, Chapter 543, Session Laws of 1955, provides that "Historic or archeological properties acquired by the State for administration by the State of North Carolina shall be under the control and administration of the Department of Archives and History", and that the Department "may, from funds appropriated to the Department for such purpose, purchase historical or archeological real and personal properties," and

WHEREAS, the people in all parts of North Carolina are showing an increasing interest in the preservation and care of their historic shrines, by which they may be better informed of their heritage and also may stimulate and increase the tourist trade and derive a profit therefrom, as has been done in the case of Colonial Williamsburg in Virginia and elsewhere, and

WHEREAS, a well coordinated, over-all, state-wide plan is needed suitably to conduct such a program and the Department of Archives and History expects and intends to develop such a plan, and

WHEREAS, an appropriation is needed for the Department to conduct such a program, as authorized and required by law: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. For the 1955-1957 biennium, an appropriation is hereby made to the Department of Archives and History, as follows:

Historic Sites		
Administration:	1955-56	1956-57
Alamance Battleground, Alamance County		
Salaries and Wages	$ 3,708	$ 3,708
Labor	800	800
Travel Expense	200	200
Equipment	200	200
Total Alamance Battleground	4,908	4,908
Aycock Birthplace, Wayne County		
Salaries and Wages		3,708
Labor		300
Supplies and Materials		200
Postage, Telephone, Telegraph, Express		36
Travel Expense		300
Lights, Water, Power		84
Repairs and Alterations		100
Equipment		200
Total Aycock Birthplace		4,928
Additions and Betterments		
Restoration, Repair, and Acquisition of Historic Properties		
House in the Horseshoe, Moore County	5,000	
Historic Halifax, Halifax County	3,000	3,000
Bentonville Battleground, Johnston County	1,000	1,000
Hope, Bertie County	1,500	1,500
Penelope Barker House, Edenton, Chowan County	1,250	1,250
Covered Bridge, Catawba County	200	200
Total Restoration, Repair, and Acquisition	16,950	11,950
Total Historic Sites	27,358	27,286

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1955.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1160 CHAPTER 1349

AN ACT TO AMEND ARTICLE 37, ENTITLED "URBAN REDEVELOPMENT LAW," OF CHAPTER 160 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. Article 37, entitled "Urban Redevelopment Law", of Chapter 160 of the General Statutes, is hereby amended by renumbering G. S. 160-474 as 160-474.1, and by inserting next after Section 160-473 the following:

Sec. 160-474. Application to cities with a population of 30,000 or more. (a) As used in this Section, the term "city with a population of 30,000 or more" means a city with a population of 30,000 or more people, accord-

ing to the next preceding Federal decennial census, and which is located in a county with two or more such cities.

(b) The portions of this Article which are hereinafter designated shall not apply to any city with a population of 30,000 or more:

(1) The following portion of subdivision (q) of G. S. 160-456: "provided, no individual tract, building or improvement shall be considered a part of any blighted area nor subject to the power of eminent domain herein granted unless it is of the character herein described and substantially contributes to the conditions rendering such area blighted."

(2) The words "to the highest bidder as herein set out" where they occur in subdivisions (r)3 of G. S. 160-456.

(3) The portion of subdivision (e) of G. S. 160-462 which reads as follows: "subject to the provisions of G. S. 160-464(b)".

(4) The words "and with the approval of the local governing body" where they occur in G. S. 160-462(f).

(5) Subdivisions (e), (i), and (j) of G. S. 160-463.

(6) Subdivisions (a) and (b) of G. S. 160-464.

(c) In lieu of the portion of subdivision (q) of G. S. 160-456 referred to in subsection (b) (1) of this Section, the following shall apply to any city with a population of 30,000 or more: "provided, no area shall be considered a blighted area nor subject to the power of eminent domain, within the meaning of this Article, unless it is determined by the planning commission that at least two-thirds of the number of buildings within the area are of the character described in subdivision (q) of G. S. 160-456 and substantially contribute to the conditions making such area a blighted area.

(d) In lieu of subdivision (e) of G. S. 160-463, the following shall apply to any city with a population of 30,000 or more people: (e) The commission shall, after giving ten days public notice thereof, hold a public hearing prior to its final determination of the redevelopment plan.

(e) In lieu of subdivision (i) of G. S. 160-463, the following shall apply to any city with a population of 30,000 or more people: (i) The governing body shall approve, amend, or reject the redevelopment plan as submitted.

(f) In lieu of subdivision (j) of G. S. 160-463, the following shall apply to any city with a population of 30,000 or more people: (j) Upon approval by the governing body of the redevelopment plan, the commission may prepare or receive proposals for the redevelopment of all or any part of the redevelopment area in conformity with such plan.

(g) In lieu of subsections (a) and (b) of G. S. 160-464, the following shall apply to any city with a population of 30,000 or more people: (a) A commission may sell, exchange or otherwise transfer real property or any interest therein in a redevelopment project area to any redeveloper for residential, recreational, commercial, industrial, or other uses or for public use in accordance with the redevelopment plan, subject to such covenants, conditions and restrictions as it may deem to be in the public interest or necessary to carry out the purposes of this Act; provided, that such sale, exchange, or other transfer and any agreement relating thereto, may be

made only after, or subject to, the approval of the redevelopment proposals (as defined herein) by the governing body of the municipality. Such real property shall be sold or transferred at its fair value for uses in accordance with the redevelopment notwithstanding such value may be less than the cost of acquiring and preparing such property for redevelopment. In determining the fair value of real property for uses in accordance with the redevelopment plan, the commission shall take into account and give consideration to the uses and purposes required by such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the redeveloper of such property; the objectives of the redevelopment plan for the prevention of the recurrence of slum or blighted areas; and such other matters as the commission shall specify as being appropriate.

(b) Prior to its consideration of a redevelopment proposal (as defined herein), the commission shall, by public notice, publish at least once a week for two consecutive weeks in a newspaper having a general circulation in the municipality, invite proposals from private redevelopers or any persons interested in undertaking and carrying out the redevelopment of a redevelopment area of any part thereof, and shall make all pertinent information available to such persons. Such notice shall identify the area and shall state that such further information as is available may be obtained at the office of the commission. The commission shall consider all proposals for redevelopment submitted to it, together with the financial, legal and technical ability of the prospective redevelopers to carry out their proposals and may negotiate with any redevelopers for proposals for the purchase of any real property in the redevelopment project area. Thereafter, the commission may prepare a redevelopment proposal (as defined herein) which it deems to be in the public interest and in furtherance of the purpose of this Act and shall submit such redevelopment proposal to the governing body for its approval. Upon the approval of the redevelopment proposal by the governing body, the commission may execute redevelopment contracts in accordance with the provisions of subsection (a) and deliver deeds and other instruments and take all steps necessary to effectuate such redevelopment contracts.

(h) The following modifications of this Article shall apply to any city with a population of 30,000 or more people:

(1) The word "proposal" is stricken out of line 13 of subdivision (f) of G. S. 160-462, and the word "plan" is inserted in lieu thereof.

(2) The word "area" is stricken out of line 1 of subsection (d) of G. S. 160-463.

(3) The word "proposal" wherever it occurs in subsections (f), (g), and (h) of G. S. 160-463 is stricken out and the word "plan" is inserted in lieu thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 2.½. This Act shall not apply to any municipality located in Forsyth, New Hanover, Gaston, Mecklenburg, Rowan, Wake, Durham, Alamance, and Nash Counties.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1201 CHAPTER 1350

AN ACT TO REVISE AND ENLARGE THE ADMINISTRATIVE POWERS OF THE TAX REVIEW BOARD, TO CHANGE THE COMPOSITION OF THE TAX REVIEW BOARD, TO FIX RESPONSIBILITY FOR MAKING TAX RULES AND REGULATIONS, AND TO CLARIFY THE POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF TAX RESEARCH.

The General Assembly of North Carolina do enact:

Section 1. Section 105-269.2 of the General Statutes is hereby amended by rewriting the Section to read as follows:

"105-269.2. Tax Review Board.—The Director of the Department of Tax Research, ex officio, the State Treasurer, ex officio, and the Chairman of the Utilities Commission, ex officio, are hereby constituted the Tax Review Board. Provided, that for the purposes stated in G. S. 105-122 and G. S. 105-134, and for those purposes only, the Commissioner of Revenue, ex officio, shall also be a member of said Board. The State Treasurer, ex officio, shall be Chairman of the Board.

"The Chairman or any two members, upon five days' notice, may call a meeting of the Board; provided, any member of the Board may waive notice of a meeting and the presence of a member of the Board at any meeting shall constitute a waiver of the notice of said meeting. A majority of the members of the Board shall constitute a quorum, and any act or decision of a majority of the members shall constitute an act or decision of the Board, except for the purposes and under the conditions of the provisions of G. S. 105-122 and G. S. 105-134.

"The Tax Review Board may employ a secretary and such clerical assistance as it deems necessary for the proper performance of its duties. All expenses of the Board shall be paid from sums appropriated from the contingency and emergency fund to the use of said Board. If the full time of such secretary and clerical staff should not be needed in connection with the duties of such Board, such secretary and staff can be assigned by the Board to other duties related to the tax program of the State.

"The regular sessions of the Tax Review Board shall be held in the City of Raleigh at the offices provided for the Board by the Superintendent of Public Buildings and Grounds. The Board may, in its discretion, hold other meetings at any place in the State."

Sec. 2. Section 105-262 of the General Statutes is hereby amended by rewriting the Section to read as follows:

"105-262. Rules and Regulations.—The Commissioner of Revenue shall, from time to time, initiate and prepare such regulations, not inconsistent with law, as may be useful and necessary to implement the provisions of all the Articles of Subchapter I (except Article 8-B) and Article 36 of Subchapter V, such regulations to become effective when approved by the

Tax Review Board. All regulations and amendments thereto shall be published and made available by the Commissioner of Revenue.

"The Commissioner of Revenue may, from time to time, make and prescribe such administrative rules, not inconsistent with law and the regulations approved by the Tax Review Board, as may be useful for the administration of his department and the discharge of his responsibilities.

"References to rules and regulations of the Commissioner of Revenue in this Chapter and in any subsequent amendments or additions thereto (unless expressly provided to the contrary therein) shall be construed to mean those rules and regulations promulgated under the provisions of this Section."

Sec. 3. Chapter 18 of the General Statutes is hereby amended by inserting therein in its proper place a new Section to be numbered 18-89.1 and to read as follows:

"18-89.1. Rules and Regulations.—The Commissioner of Revenue shall, from time to time, initiate and prepare such regulations, not inconsistent with the provisions of G. S. 18-78 or other provisions of law, as may be useful and necessary to implement the provisions of this Article, such regulations to become effective when approved by the Tax Review Board. All regulations and amendments thereto shall be published and made available by the Commissioner of Revenue.

"The Commissioner of Revenue may, from time to time, make and prescribe such administrative rules, not inconsistent with law and the regulations approved by the Tax Review Board, as may be useful for the administration of his department and the discharge of his responsibilities.

"References to rules and regulations of the Commissioner of Revenue in this Chapter and in any subsequent amendments or additions thereto (unless expressly provided to the contrary therein) shall be construed to mean those rules and regulations promulgated under the provisions of this Section."

Sec. 4. Section 105-264 of the General Statutes is hereby amended by rewriting the first sentence thereof to read as follows:

"It shall be the duty of the Commissioner of Revenue to construe all Sections of this Subchapter (except Article 8-B) and all Sections of Article 36 of Subchapter V; provided, such construction shall not be inconsistent with applicable regulations duly promulgated under the provisions of G. S. 105-262; provided further, nothing in this Section shall be construed to prohibit the Commissioner of Revenue from initiating and proposing regulations, as provided in G. S. 105-262, modifying, changing, altering or repealing existing regulations."

Sec. 5. Chapter 105 of the General Statutes is hereby amended by inserting therein in its proper order in the Chapter a new Section to be numbered 105-241.2 and to read as follows:

"105-241.2. Administrative Review; Jeopardy Assessment.—(1) Without having to pay the tax asserted to be due by the Commissioner under this Chapter and denied by the taxpayer, any taxpayer may secure from the Tax Review Board an administrative review of the Commissioner's decision with respect to his asserted tax liability by filing a petition with

the Tax Review Board, and a copy thereof with the Commissioner, requesting said review. The petition shall be filed within thirty days from the time the Commissioner, following the prescribed hearing, notifies the taxpayer of his decision; and said petition shall state in concise terms the grounds upon which the review is sought. At the time of filing said petition with the Tax Review Board, the taxpayer shall give a bond in an amount equal to the amount of tax, penalties, and interest asserted by the Commissioner to be due plus an amount sufficient to cover the costs of the review, but in no event for less than fifty dollars ($50.00). Upon receipt by the Commissioner of the taxpayer's petition, the Commissioner shall transmit to the Tax Review Board all of the records, data, evidence, and other materials which he has pertaining to the matters which the Tax Review Board is being requested by the taxpayer to review. He shall also transmit to the Board a copy of his decision respecting such matters. The Tax Review Board is authorized to establish by regulations the amount of bond necessary to cover costs and to establish by regulations a schedule of costs. The Tax Review Board shall fix a time for reviewing the Commissioner's decision and shall hear the same in the City of Raleigh. The Board shall give notice of the time and place of such hearing to the petitioner and to the Commissioner at least ten days prior thereto. Officers and employees of the Revenue Department, when so requested by the Board, shall attend hearings on such reviews and shall furnish the Board with all information they have respecting the asserted liability. The Tax Review Board may establish by regulation the procedures to be followed in hearings before it. At least two members of the Board shall sit at the hearing and all members shall consider and decide the matters on review. The Board shall confirm, modify, reverse, reduce, or increase the assessment or decision of the Commissioner; and it shall furnish a written copy of its order to the Commissioner and shall serve a written copy of its order upon the taxpayer by personal service or by registered mail (return receipt requested). In the event the decision of the Tax Review Board should not result in a reduction of the tax liability asserted by the Commissioner to be due, or if the Tax Review Board should dismiss the petition under the provisions of subsection (2) of this Section, the costs of the proceeding shall be added to and shall become a part of the tax liability to be collected by the Commissioner. In the event the decision of the Tax Review Board should result in a reduction of the tax liability asserted by the Commissioner to be due, no costs shall be taxed against the taxpayer.

"(2) Upon receipt of a petition requesting administrative review as provided in the preceding subsection, the Tax Review Board shall examine the petition and the records and other data transmitted by the Commissioner and pertaining to the matter of which review is sought. Upon a finding of one or both of the conditions listed below, the Tax Review Board shall refuse to grant the requested administrative review: (a) That the grounds stated in the petition raise only a question or questions of fact and that the records and data examined by the Board show no reasonable basis for dispute as to the facts. (b) That the grounds stated in the

petition and the records and data examined by the Board show that the petition was filed for frivolous purposes or for purposes of delay.

"(3) At any time prior to the giving of bond as required in subsection (1) of this Section, the Commissioner of Revenue shall have authority if, in his opinion, such action is necessary for the protection of the interest of the State, to proceed at once to levy a jeopardy assessment for the amount of the tax against the property of the taxpayer seeking the administrative review. In levying said assessment the Commissioner shall make a certificate setting forth the essential parts relating to the tax, including the amount thereof asserted to be due, the date when same is asserted to have become due and payable, the person, firm, or corporation chargeable therewith, and the nature of the tax. Under his hand and seal the Commissioner shall transmit said certificate to the Clerk of the Superior Court of any county in which the taxpayer resides or has property; whereupon, it shall be the duty of the Clerk of the Superior Court of the county to docket the said certificate and to index the same on the cross-index of judgments. When so docketed and indexed, said certificate of tax liability shall constitute a lien upon the property of the taxpayer to the same extent as that provided for by G. S. 105-241. No execution shall issue on said certificate before final determination of the administrative review by the Tax Review Board; provided, however, if the Commissioner determines that the collection of the tax would be jeopardized by delay, he may cause execution to be issued, as provided in this Chapter, immediately against the personal property of the taxpayer unless the taxpayer files with the Commissioner a bond in the amount of the asserted liability for tax, penalty and interest. If upon such final administrative determination the tax asserted or any part thereof is sustained, execution may issue on said certificate at the request of the Commissioner of Revenue, and the sheriff shall proceed to advertise and sell the property of the taxpayer.

"(4) Taxpayers seeking administrative review of liability decisions of the Commissioner of Insurance under Article 8-B of this Sub-chapter shall follow the procedure prescribed in subsection (1) of this Section for taxpayers seeking administrative review of decisions of the Commissioner of Revenue. In such cases all provisions of this Section referring to the Commissioner of Revenue shall be considered as applying to the Commissioner of Insurance."

Sec. 6. Chapter 105 of the General Statutes is hereby amended by inserting therein in its proper place a new Section to be numbered Section 105-241.3 and to read as follows:

"105-241.3. Appeal Without Payment of Tax from Tax Review Board Decision.—(1) Any taxpayer aggrieved by the decision of the Tax Review Board may, without prior payment of the tax, appeal said decision to the Superior Court under the provisions of Article 33 of Chapter 143 of the General Statutes; provided, neither this Section nor the provisions of Article 33 of Chapter 143 shall be construed to prohibit a jeopardy assessment and execution made in accordance with the provisions of G. S. 105-241.2.

"(2) When an appeal is taken under this Section from the Tax Review

Board's dismissal of a petition for administrative review under the provisions of G. S. 105-241.2 (2), the question of appeal shall be limited to a determination of whether the Tax Review Board erred in its dismissal, and in the event that the court finds error, the case shall be remanded to the Tax Review Board to be heard."

Sec. 7. Chapter 105 of the General Statutes is hereby amended by inserting therein in its proper place a new Section to be numbered Section 105-241.4 and to read as follows:

"105-241.4. Action to Recover Tax Paid Under Protest.—Within thirty days after notification of the Commissioner's decision with respect to liability under this Subchapter or under Article 36 of Subchapter V, any taxpayer aggrieved thereby, in lieu of petitioning for administrative review thereof by the Tax Review Board under G. S. 105-241.2, may pay the tax under protest and bring a civil action for its recovery as provided in G. S. 105-267.

"Any taxpayer who has obtained an administrative review by the Tax Review Board as provided by G. S. 105-241.2 and who is aggrieved by the decision of the said Board may, in lieu of appealing pursuant to the provisions of G. S. 105-241.3, within thirty days after notification of the Board's decision with respect to liability pay the tax under protest and bring a civil action for its recovery as provided in G. S. 105-267.

"Either party may appeal to the Supreme Court from the judgment of the Superior Court under the rules and regulations prescribed by law for appeals, except that the Commissioner, if he should appeal, shall not be required to give any undertaking or make any deposit to secure the cost of such appeal.

"Any taxes, interest or penalties paid and found by the court to be in excess of those which can be properly assessed shall be ordered refunded to the taxpayer with interest from time of payment."

Sec. 8. Section 105-256 of the General Statutes is hereby amended by rewriting the Section to read as follows:

"105-256. Preparation of Statistics.—The Commissioner of Revenue shall biennially, or more frequently if he so desires, prepare and publish reasonably available statistics dealing with the operation of this Subchapter and Subchapter V, including amounts collected, classifications of taxpayers, income and exemptions, and such other facts as are deemed pertinent and valuable."

Sec. 9. Section 105-257 of the General Statutes is hereby amended by rewriting the Section to read as follows:

"105-257. Report to General Assembly on Tax System.—The Commissioner of Revenue shall biennially make report to the General Assembly, making such recommendations as he may consider useful in improving the tax laws and systems of this State."

Sec. 10. Section 105-275 of the General Statutes is hereby amended by deleting therefrom subsections (4), (5) and (6) and by renumbering the remaining subsections of the Section in proper numerical order and is further amended by rewriting the present provisions of subsection (7) thereof to read as follows:

"To report to the General Assembly at each regular Session, or at such other times as it may direct, the proceedings of the Board under Subchapters II and III and such other information and recommendations concerning the public revenues as required by the General Assembly or that may be of public interest. Such reports, in the interest of up-to-date information, need not be printed, but shall be made available in a reasonably durable form."

Sec. 11. A new Section is added to Chapter 105 of the General Statutes to be numbered 105-349.1 and to read as follows:

"105-349.1. Obtaining Record of Corporation.—The Commissioner of Revenue shall have power to require the Secretary of State, and it shall be the duty of the Secretary of State, to furnish monthly to the Commissioner a list of all domestic corporations incorporated or whose charters have been amended or which have been dissolved during the preceding month, and a list of all foreign corporations which have been domesticated, or whose charters have been amended, or which have been dissolved, or whose domestication has been withdrawn during the preceding month, both such lists to be in such detail as may be prescribed by the Commissioner."

Sec. 12. Section 105-453 of the General Statutes is hereby amended by rewriting the second paragraph thereof to read as follows:

"To the end that the Director of the Department of Tax Research may properly discharge the duties placed upon him by law, he is hereby accorded the following powers:

"(1) He shall have authority to require from the Commissioner of Revenue, the Tax Review Board, other State officials, boards, and agencies, and from county tax supervisors, municipal clerks, and other county and municipal officers, on forms prepared and prescribed by the said Director, such annual and other reports as shall enable the Director to ascertain such information as he may require, to the end that he may have full, complete, and accurate statistical information as to the practical operation of the tax and revenue laws of the State.

"(2) He shall have the same authority as is given the State Board of Assessment in G. S. 105-276 to examine persons, papers, and records."

Sec. 13. Section 105-456 of the General Statutes is hereby amended by rewriting the Section to read as follows:

"105-456. Publication of Biennial Report.—The Director of the Department of Tax Research shall make and publish two thousand (2,000) copies of a biennial report of such scope as may be approved by the Governor, which shall include recommendations and a digest of the most important factual statistics of State and local taxation."

Sec. 14. Section 105-163 of the General Statutes is hereby repealed.

Sec. 15. Section 105-267 of the General Statutes is hereby amended by adding to the end thereof a new proviso to read as follows:

"Provided, nothing in this Section shall be construed to conflict with or supersede the provisions of G. S. 105-241.2."

Sec. 16. Amendment to the Inheritance Tax Article.

Article 1, Schedule A.

(a) Section 105-25 of the General Statutes is hereby amended by

deleting therefrom all of the last two sentences and proviso, beginning on line 21, and by inserting in lieu thereof the following:

"If not satisfied with such additional appraisal, the administrator or executor may, within thirty days, request a conference with the Commissioner of Revenue, and the matter shall be determined as other cases by the Commissioner."

Sec. 17. Amendments to the Franchise Tax Article.

Article 3, Schedule C.

(a) Subsection (3) (D) of Section 105-122 of the General Statutes is hereby amended by deleting therefrom the last four sentences of the first paragraph thereof preceding Subparagraph (a) and by inserting in lieu thereof the following:

"At least three members of the Tax Review Board shall attend any hearing pursuant to such petition. In such cases the Tax Review Board's membership shall be augmented by the addition of the Commissioner of Revenue, who shall sit as a member of said Board with full power to participate in its deliberations and decisions with respect to petitions filed under the provisions of this Section. An informal record containing in substance the evidence, contentions and arguments presented at the hearing shall be made. All members of the augmented Tax Review Board shall consider such evidence, contentions and arguments, and the decision thereon shall be made by a majority vote of the augmented Board. If the Board shall find that the application of the allocation formula subjects the corporation to taxation on a greater portion of its capital stock, surplus and undivided profits than is reasonably attributable to its business within this State:".

(b) Subsection (3) (D) of Section 105-122 of the General Statutes is hereby amended by deleting therefrom the last paragraph of Subparagraph (c) and by inserting in lieu thereof the following:

"When the Commissioner of Revenue asserts liability under the formula adjustment decision of the Tax Review Board, an aggrieved taxpayer may pay the tax under protest and bring a civil action for recovery under the provisions of G. S. 105-241.4."

(c) Subsection (2) of Section 105-129 of the General Statutes is hereby amended by deleting the first sentence of the subsection and by inserting in lieu thereof the following:

"The provisions of G. S. 105-241.2, G. S. 105-241.3, and G. S. 105-241.4 with respect to review and appeal shall apply to the tax so assessed."

Sec. 18. Amendments to the Income Tax Article.

Article 4, Schedule D.

(a) Subdivision 4 of subsection II of Section 105-134 of the General Statutes is hereby amended by deleting therefrom the last four sentences of the first paragraph thereof preceding Subparagraph (a) and by inserting in lieu thereof the following:

"At least three members of the Tax Review Board shall attend any hearing pursuant to such petition. In such cases the Tax Review Board's membership shall be augmented by the addition of the Commissioner of

Revenue, who shall sit as a member of said Board with full power to participate in its deliberations and decisions with respect to petitions filed under the provisions of this Section. An informal record containing in substance the evidence, contentions and arguments presented at the hearing shall be made. All members of the augmented Tax Review Board shall consider such evidence, contentions and arguments and the decisions thereon shall be made by a majority vote of the augmented Board. If the Board shall find that the application of the allocation formula subjects the corporation to taxation on a greater portion of its income or earnings than is reasonably attributable to its business or earnings within this State:".

(b) Subdivision 4 of subsection II of Section 105-134 of the General Statutes is hereby amended by deleting therefrom the last paragraph of the subdivision and by inserting in lieu thereof the following:

"When the Commissioner of Revenue asserts liability under the formula adjustment decision of the Tax Review Board, an aggrieved taxpayer may pay the tax under protest and bring a civil action for recovery under the provisions of G. S. 105-241.4."

(c) Subsection 4 of Section 105-158 of the General Statutes is hereby amended by deleting the last sentence of the subsection and by inserting in lieu thereof the following:

"The provisions of G. S. 105-241.2, G. S. 105-241.3, and G. S. 105-241.4 with respect to review and appeal shall apply to the tax so assessed."

(d) Section 105-160 of the General Statutes is hereby amended by deleting therefrom the third sentence from the end of the Section, and by inserting in lieu thereof the following sentence:

"The provisions of G. S. 105-241.2, G. S. 105-241.3, and G. S. 105-241.4 with respect to review and appeal shall apply to the tax so assessed."

Sec. 19. Amendment to the Sales Tax Article.

Article 5, Schedule E.

(a) Section 105-182 of the General Statutes is hereby repealed.

Sec. 20. Amendments to the Gift Tax Article.

Article 6, Schedule G.

(a) Section 105-191 of the General Statutes is hereby amended by rewriting the proviso appearing at the end of the Section to read as follows:

"Provided, that a taxpayer aggrieved by the rejection of the application in whole or in part by the Department of Revenue may seek administrative review or appeal under the provisions of G. S. 105-241.2, G. S. 105-241.3, or G. S. 105-241.4."

(b) Section 105-196 of the General Statutes is hereby amended by deleting the last sentence of the Section and by inserting in lieu thereof the following:

"The provisions of G. S. 105-241.2, G. S. 105-241.3, and G. S. 105-241.4 with respect to review and appeal shall be available to any taxpayer aggrieved by the Commissioner's decision."

Sec. 21. Amendments to the Intangible Personal Property Tax Article.

Article 7, Schedule H.

(a) Section 105-208 of the General Statutes is hereby amended by deleting the second sentence from the end of the Section and by inserting in lieu thereof the following sentence:

"The provisions of G. S. 105-241.2, G. S. 105-241.3, and G. S. 105-241.4, with respect to review and appeal shall apply to the tax so assessed."

(b) Section 105-209 of the General Statutes is hereby amended by deleting therefrom the last paragraph of the Section.

Sec. 22. Amendment to the Insurance Tax Article.

Article 8 B, Schedule 1-B.

(a) Section 105-228.9 of the General Statutes is hereby amended by rewriting the Section to read as follows:

"105-228.9. Powers of the Commissioner of Insurance.—All provisions of this Chapter, not inconsistent with this Article, relating to administration, auditing and making returns, the imposition and collection of tax and the lien thereof, assessments, refunds and penalties, shall be applicable to the fees and taxes imposed by this Article; and with respect thereto, the Commissioner of Insurance is hereby given the same power and authority as is given to the Commissioner of Revenue under the provisions of this Chapter. The Commissioner of Insurance may, from time to time, make, prescribe, and publish such rules and regulations, not inconsistent with law, as may be needful to enforce the provisions of this Article."

Sec. 23. Amendments to the General Administration Article.

Article 9, Schedule J.

(a) Section 105-241.1 of the General Statutes is hereby amended by rewriting the fourth paragraph of the Section to read as follows:

"The provisions of G. S. 105-241.2, G. S. 105-241.3, and G. S. 105-241.4 with respect to review and appeal shall apply to the tax so assessed."

(b) Subsection 2 of Section 105-242 of the General Statutes is hereby amended by deleting from the twelfth, thirteenth, fourteenth, and fifteenth lines from the end of the subsection the words "to the Superior Court of Wake County or to the Superior Court of the county wherein he resides or does business and the provisions of Section 105-163 shall apply on such appeal" and by inserting in lieu thereof the words "under the provisions of G. S. 105-241.4; provided, that in taking an appeal to the Superior Court, said party may appeal either to the Superior Court of Wake County or to the Superior Court of the county wherein he resides or does business."

(c) Subsection 3 of Section 105-242 of the General Statutes is hereby amended by deleting from the second paragraph of the Section, as amended in 1951, the first sentence of said paragraph and by inserting in lieu thereof the following sentence:

"Except as provided in Subsection (3) of G. S. 105-241.2, no sale of real or personal property shall be made under any execution issued on a certificate docketed pursuant to the provisions of this subsection before the administrative action of the Commissioner of Revenue or the Tax Review Board is completed when a hearing has been requested of the Commis-

sioner or a petition for review has been filed with the Tax Review Board, nor shall such sale be made before the assessment on which the certificate is based becomes final when there is no request for a hearing before the Commissioner or petition for review by the Tax Review Board."

(d) Section 105-253 of the General Statutes is hereby amended by deleting from the fourth line of the Section the words "State Board of Assessment or".

Sec. 24. Amendments to Gasoline Tax Article.

Article 36.

(a) Subsection (g) of Section 105-446 of the General Statutes is hereby amended by rewriting the subsection to read as follows:

"Any applicant for a refund permit or any holder of a refund permit may seek administrative review or appeal from the decision of the Commissioner of Revenue under the provisions of G. S. 105-241.2, G. S. 105-241.3, and G. S. 105-241.4."

Sec. 25. The provisions of this Act shall apply to all taxes, penalties and interest and to all matters and things pertaining to hearings and appeals with respect to such taxes, penalties and interest on which the Commissioner of Revenue, at the time of the effective date of this Act, has not rendered a final decision following a hearing. With respect to such matters and things concerning which the Commissioner of Revenue has rendered a final decision after hearing prior to the effective date of this Act, the provisions of Chapter 105 of the General Statutes affected by the provisions of this Act shall continue to remain in full force and effect the same as they were in effect prior to the effective date of this Act.

Sec. 26. Except as otherwise specifically provided in this Act, all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 27. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 26th date of May, 1955.

H. B. 1254 CHAPTER 1351

AN ACT TO AMEND CHAPTER 866 OF THE SESSION LAWS OF 1951 RELATING TO FEES OF JUSTICES OF THE PEACE IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The quoted portion of Section 1 of Chapter 866 of the Session Laws of 1951 is amended by striking out in line 5 of said quoted portion the figures "$1.25" and inserting in lieu thereof the figures "$2.00". Said quoted portion is further amended by striking out in line 28 the figures "$1.00" and inserting in lieu thereof the figures "$2.00".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1287 CHAPTER 1352

AN ACT TO AUTHORIZE THE USE OF SURPLUS HIGHWAY FUNDS FOR THE CONSTRUCTION OF A CHAPEL AT CENTRAL PRISON.

The General Assembly of North Carolina do enact:

Section 1. In the event the receipts and/or increments to the Highway Fund shall be more than the appropriations made by Committee Substitute for H. B. No. 9, the Budget Appropriation Bill for the biennium 1955-1957, such excess or a part thereof may be made available by the Director of the Budget to the State Highway and Public Works Commission, which, in its discretion, may use such excess or a part thereof for the construction of a chapel at Central Prison, Raleigh, North Carolina, such chapel to be used for and devoted to the spiritual welfare of prisoners. If the Director of the Budget makes such excess or a part thereof available for such purpose and if the State Highway and Public Works Commission, in its discretion, determines that such excess or a part thereof shall be expended as authorized herein, then it may negotiate and enter into private negotiations for the best construction contract price available and without complying with the Public Contracts Act, and prison labor may be used for the purpose of attaining the objectives herein expressed, and provided further, in the event the receipts and/or increments to the Highway Fund shall be more than the appropriations made in said Appropriations Act, such excess may be made available by the Director of the Budget for expenditures either in the current or next succeeding year under Title XII, Section 3 of Committee Substitute for the Budget Appropriation Bill for the biennium 1955-1957.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1289 CHAPTER 1353

AN ACT TO AMEND THE GIFT TAX ARTICLE TO CLARIFY THE LAW RESPECTING TAXATION OF GIFTS OF FUTURE INTERESTS.

The General Assembly of North Carolina do enact:

Section 1. Section 105-195 of the General Statutes is hereby amended by rewriting the Section to read as follows:

"Said taxes shall be assessed upon the actual value of the property

at the time of the transfer by gift. If the gift subject to said tax be given to a donee for life or for a term of years, or upon condition or contingency, with remainder to take effect upon the termination of the life estate or term of years or the happening of the condition or contingency, the tax on the whole amount shall be due and payable as in other cases, and said tax shall be apportioned between such life tenant or tenant for years and the remainderman, such apportionment to be made by computation based upon the mortuary and annuity tables set out in Sections 8-46 and 8-47 of the General Statutes, and upon the basis of six per centum (6%) of the gross value of the property for the period of expectancy of the life tenant or for the term of years in determining the value of the respective interests. When property is transferred or limited in trust or otherwise, and the rights or interests of the transferees or beneficiaries are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended, or abridged, a tax shall be imposed upon said transfer at the highest rate, within the discretion of the Revenue Commissioner, which on the happening of any of the said contingencies or conditions would be possible under the provisions of this Act, and such tax so imposed shall be due and payable forthwith by the donor, and the Commissioner of Revenue shall assess the the tax on such transfers."

Sec. 2. Notwithstanding any other provisions of this Act, the provisions of Section 105-195 of the General Statutes as the same were in force prior to the effective date of this Act shall continue to remain in full force and effect with respect to all gifts of property made and completed prior to the effective date of this Act.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1301 CHAPTER 1354

AN ACT TO AMEND CHAPTER 525 OF THE SESSION LAWS OF 1955 SO AS TO CONFORM TO THE GENERAL LAWS RELATING TO THE AMENDMENT OF WORKMEN'S COMPENSATION BENEFITS.

WHEREAS, subsequent to the passage of Chapter 525 of the Session Laws of 1955 relating to asbestosis and silicosis, the General Assembly of North Carolina has by House Bill No. 206 entitled "A Bill to Amend Various Sections of Chapter 97 of the General Statutes Relating to 'The Workmen's Compensation Act' ", has increased the minimum weekly benefits under the general Workmen's Compensation Laws from eight dollars ($8.00) per week to ten dollars ($10.00) per week, and the maximum weekly benefits from thirty dollars ($30.00) per week to thirty-two dollars and fifty cents ($32.50) per week, and has increased the total benefits under the Workmen's Compensation Laws from eight thousand dollars ($8,000.00) to ten thousand dollars ($10,000.00); and

WHEREAS, it is the purpose and intent of this Act to amend Chapter 525 of the Session Laws of 1955 to provide increases in the minimum and maximum weekly benefits and in the total maximum benefits so as to conform the increases in benefits provided in Chapter 525 with the increases in benefits under the general Workmen's Compensation Laws as provided by House Bill No. 206 referred to above: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Chapter 525 of the Session Laws of 1955 is amended as follows:

(a) Strike from the Act wherever it appears the words, symbols and figures "eight dollars ($8.00)" and substitute in lieu thereof "ten dollars ($10.00)";

(b) Strike from the Act wherever it appears the words, symbols and figures "thirty dollars ($30.00)" and substitute in lieu thereof "thirty-two dollars and fifty cents ($32.50)"; and

(c) Strike from the Act wherever it appears the words, symbols and figures "eight thousand dollars ($8,000.00)" and substitute in lieu thereof "ten thousand dollars ($10,000.00)".

Sec. 2. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1315 CHAPTER 1355

AN ACT TO INCREASE TO $5,000.00 THE PROPERTY DAMAGE COVERAGE REQUIREMENTS OF THE FINANCIAL RESPONSIBILITY LAW.

The General Assembly of North Carolina do enact:

Section 1. Paragraph numbered 10 of Section 20-279.1 of the General Statutes is hereby amended by deleting from the next to the last line of the paragraph the figures "$1,000" and by inserting in lieu thereof the figures "$5,000".

Sec. 2. Subsection (c) of Section 20-279.5 of the General Statutes is hereby amended by deleting from the second and third lines from the end of the subsection the words and figures "one thousand dollars ($1,000.00)" and by inserting in lieu thereof the words and figures "five thousand dollars ($5,000.00)".

Sec. 3. Paragraph numbered 2 of subsection (b) of Section 20-279.21 of the General Statutes is hereby amended by deleting from the next to the last line of the paragraph the words and figures "one thousand dollars ($1,000.00)" and by inserting in lieu thereof the words and figures "five thousand dollars ($5,000.00)".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective July 1, 1955 and shall effect only policies written or renewed after said effective date.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1321 **CHAPTER 1356**

AN ACT TO CLARIFY THE EXEMPTION FROM TAXATION OF GOODS, WARES AND MERCHANDISE FROM AD VALOREM TAXATION WHILE HELD IN SEAPORTS AT MOREHEAD CITY AND WILMINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. All cotton, tobacco and other farm products, and all goods, wares and merchandise, held for shipment to any foreign country, or held or stored after being imported from a foreign country awaiting further shipment, in the sea port terminals at Morehead City or Wilmington, or within ten (10) miles of such ports or terminals, shall be exempt from taxation.

Sec. 1½. Provided that the provisions of this Act shall not apply to any products, goods, or merchandise which are stored for more than twelve months.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1325 **CHAPTER 1357**

AN ACT ADJUSTING AND FIXING THE SALARIES OF CERTAIN OFFICERS OF TRANSYLVANIA COUNTY AND MAKING THE PROVISIONS OF ARTICLE 10, CHAPTER 163 OF THE GENERAL STATUTES INAPPLICABLE TO THE ELECTION OF ANY COUNTY OR TOWNSHIP OFFICIAL IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. From and after the 1st day of July, 1955, the Register of Deeds of Transylvania County shall receive a salary of three thousand six hundred dollars ($3,600) per year, the same to be paid in equal monthly installments and to be in lieu of fees allowed said officer by law.

Sec. 2. From and after the 1st day of July, 1955, the Clerk of the Superior Court of Transylvania County shall receive a salary of three thousand six hundred dollars ($3,600) per year, the same to be paid in equal monthly installments and to be in lieu of fees allowed said officer by law.

Sec. 3. From and after the 1st day of July, 1955, the Tax Collector of Transylvania County shall receive a salary of three thousand six hundred dollars ($3,600) per year, the same to be paid in equal monthly installments and to be in lieu of fees allowed said officer by law.

Sec. 4. From and after the 1st day of July, 1955, the Sheriff of Transylvania County shall receive a salary of four thousand five hundred dollars ($4,500) per year, the same to be paid in equal monthly installments and to be in lieu of fees allowed said officer by law.

Sec. 5. All fees collected by the officers herein named shall be accounted for and paid to Transylvania County as provided by law.

Sec. 6. The officers herein named shall give bond, to be approved by the County Commissioners of Transylvania County, with some bonding company, licensed to do business in North Carolina, the premium on said bond to be paid by Transylvania County.

Sec. 7. The County Commissioners of Transylvania County are hereby authorized and empowered, in their discretion, to pay a part of the salary of the Jailer of Transylvania County, not to exceed the sum of one hundred dollars ($100.00) per month.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1331 CHAPTER 1358

AN ACT TO PROHIBIT THE UNAUTHORIZED SALE OF VACCINE.

The General Assembly of North Carolina do enact:

Section 1. The sale of Salk vaccine is prohibited except when sold by wholesale drug distributors, licensed medical doctors, registered pharmacists or the State Board of Health.

Any person found guilty of violating the provisions of this Act by selling authentic vaccines shall be fined five hundred dollars ($500.00) or shall be imprisoned in the State Prison or county jail not less than four months nor more than ten years, or both. Any persons found guilty of violating the provisions of this Act by selling substances that are misrepresented as being authentic vaccines shall be fined one thousand dollars ($1,000.00), or be imprisoned in the State Prison or county jail not less than four months nor more than ten years, or both.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1333 CHAPTER 1359

AN ACT REQUIRING THE OWNER OF A PORTION OF A BUILDING TO MAKE SECURE THE PORTIONS OF SAID BUILDING BELONGING TO OTHER PERSONS BEFORE DISMANTLING HIS PORTION OF SUCH BUILDING.

The General Assembly of North Carolina do enact:

Section 1. When one person owns a portion of a building and another or other persons own the remainder of said building, neither of said owners

shall dismantle his portion of said building without making secure the portions of said building belonging to other persons. Any persion violating the provisions of this Act shall be responsible in damages to the owners of other portions of such building.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1334 CHAPTER 1360

AN ACT AMENDING G. S. 9-5 RELATING TO THE FEES OF JURORS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 9-5, as the same appears in Volume 1B of the General Statutes, be and the same is hereby amended by adding at the end of the first paragraph thereof the following:

"A board of county commissioners may fix the compensation of jurors to pass upon the competency of any person, under the provisions of Article 2, Chapter 35 of the General Statutes, at not less than one dollar ($1.00) per day and not more than six dollars ($6.00) per day."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1342 CHAPTER 1361

AN ACT TO AMEND SECTION 1 OF AN ACT TO AMEND G. S. 143-291, RELATING TO TORT CLAIMS AGAINST STATE DEPARTMENTS AND AGENCIES, RATIFIED ON MARCH 31, 1955.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 1 of "An Act to Amend G. S. 143-291, Relating to Tort Claims Against State Departments and Agencies", ratified on March 31, 1955, by striking out the words "or omission" in line 13 and in line 20 of the enrolled bill and by striking out the words "voluntary or" in lines 13 and 21 of the enrolled bill.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1347 CHAPTER 1362

AN ACT TO PROVIDE FOR NOMINAL GRANTS-IN-AID TO CHARLOTTE COLLEGE, GEORGE WASHINGTON CARVER COLLEGE, ASHEVILLE-BILTMORE COLLEGE AND WILMINGTON COLLEGE.

WHEREAS, Charlotte College, George Washington Carver College, Asheville-Biltmore College and Wilmington College are performing outstanding service to the State by relieving other State colleges and universities of additional students whose presence would necessitate large increased appropriations to such State colleges and universities; and

WHEREAS, these four municipal colleges relieve the demands for increased dormitories and teachers in the regular State institutions; and

WHEREAS, these colleges prepare North Carolinians for advanced study in higher State institutions; and

WHEREAS, small grants-in-aid to these colleges would accomplish the same result as larger appropriations to the regular State colleges and universities; and

WHEREAS, it is desirable that the State provide a limited encouragement for these municipal colleges: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State the sum of five thousand eight hundred and twenty-eight dollars ($5,828.00) to each of Wilmington College, Asheville-Biltmore College, and Charlotte College for each year of the biennium commencing July 1, 1955 and ending June 30, 1957. There is hereby appropriated from the General Fund of the State the sum of two thousand three hundred and thirty-two dollars ($2,332.00) to George Washington Carver College for each year of the biennium beginning July 1, 1955 and ending June 30, 1957.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1354 CHAPTER 1363

AN ACT TO AMEND AN ACT PASSED BY THE GENERAL ASSEMBLY OF 1955, DESIGNATED AS H. B. NO. 697, RATIFIED ON THE 27th DAY OF APRIL, 1955, AND ENTITLED: "AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY TO ESTABLISH A HOSPITAL AUTHORITY FOR A COUNTY TO OPERATE ONE OR MORE HOSPITALS OR ONE OR MORE CLINICS," FOR THE PURPOSE OF FIXING MORE DEFINITELY THE TERRITORY FROM WHICH THE MEMBERS OF A COUNTY HOSPITAL AUTHORITY MAY BE SELECTED.

The General Assembly of North Carolina do enact:

Section 1. Amend that certain Act passed by the General Assembly of 1955, designated as "H. B. No. 697", ratified on the 27th day of April,

1955, and entitled: "AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY TO ESTABLISH A HOSPITAL AUTHORITY FOR A COUNTY TO OPERATE ONE OF MORE HOSPITALS OR ONE OR MORE CLINICS", by rewriting the third sentence of subsection (1) of G. S. 131-126.21, of Volume 3B, as the same appears in Section 1 of the said Act as designated and above referred to, so that said third sentence shall read as follows:

"In making said appointments the board of county commissioners of any county electing to establish a hospital authority under this subsection shall appoint three members of the said authority, who shall be residents of a town or city of said county, and three members who shall be residents of said county, or of cities or towns in said county other than the cities or towns in which the three other members appointed under this Act reside."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1359 CHAPTER 1364

AN ACT TO AMEND SECTION 21 OF CHAPTER 6 OF THE GENERAL STATUTES RELATING TO COSTS IN CIVIL ACTIONS IN THE SUPERIOR COURTS.

The General Assembly of North Carolina do enact:

Section 1. Section 21 of Chapter 6 of the General Statutes is amended by striking out the period after the word "wills" in paragraph numbered 2 of said Section and adding the following after the word "wills":

"and any action or proceeding which may require the construction of any will or trust agreement, or fix the rights and duties of parties thereunder."

Sec. 2. All laws and clauses of laws in conflict with this Section are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1365 CHAPTER 1365

AN ACT AMENDING G. S. 20-217 REQUIRING MOTOR VEHICLES TO STOP FOR SCHOOL, CHURCH AND SUNDAY SCHOOL BUSES BY ADDING PRIVATELY OWNED BUSES WHEN USED FOR THE TRANSPORTATION OF SCHOOL CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 20-217, as the same appears in Volume 1C of the General Statutes, be and the same is hereby amended by adding after the

word "bus" and before the word "transporting" in the fifth line thereof the words "or privately-owned bus"; that said Section is further amended by placing a comma after the word "church" appearing at the end of the thirteenth line and inserting before the word "or" appearing as the first word in the fourteenth line thereof the words "privately-owned bus".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1380 CHAPTER 1366

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A GUARDIAN AD LITEM.

The General Assembly of North Carolina do enact:

Section 1. Section 1-65 of the General Statutes of North Carolina is amended by changing the numbering of the present Section 1-65 to Section 1-65.1, and by adding three new subsections designated Section 1-65.2, Section 1-65.3, and Section 1-65.4 as follows:

"Section 1-65.2. Appointment of guardian ad litem for unborn persons. —In all actions and special proceedings in rem and quasi in rem and in all actions and special proceedings which involve the construction of wills, trusts and contracts or any instrument in writing, or which involve the determination of the ownership of property or the distribution of property, if there is a possibility that some person may thereafter be born who, if then living, would be a necessary or proper party to such action or special proceeding, the court in which said action or special proceeding is pending, upon motion of any of the parties, may appoint some discreet person to act as guardian ad litem, to defend on behalf of such unborn person. No prior service of summons or other process upon such unborn person shall be required, and service upon the guardian ad litem appointed for such unborn person shall have the same force and effect as service upon such unborn person would have had if such person had been living. All proceedings by and against the said guardian ad litem after appointment shall be governed by all provisions of the law applicable to guardians ad litem for living persons.

"Section 1-65.3. Appointment of guardian ad litem for corporations, trusts or other entities not in existence.—In all actions and special proceedings which involve the construction of wills, trusts and contracts which involve the determination of the ownership of property or the distribution of property pursuant to the provisions of such will, trust or contract, if such will, trust or contract provides benefits for or distributions to a corporation, a trust, or an entity thereafter to be formed for the purpose of carrying into effect some provision of the said will, trust or contract, the court in which said action or special proceeding is pending, upon motion of any of the parties, may appoint some discreet person to act as guardian

ad litem for such corporation, trust or other entity and to defend on behalf of such corporation, trust or other entity. No prior service of summons or other process upon such corporation, trust or other entity shall be required, and service upon the guardian ad litem appointed for such corporation, trust or other entity shall have the same force and effect as service upon such corporation, trust or entity would have had if such corporation, trust or other entity had been in existence. All proceedings by and against the said guardian ad litem after appointment shall be governed by all provisions of the law applicable to guardians ad litem for living persons.

"Section 1-65.4. Retroactive effect; divisibility; miscellaneous provisions. —The remedies provided by this Act are in addition to any other remedies authorized or permitted by law, and it shall not be construed to repeal or to limit the doctrine of virtual representation or any other law or rule of law by which unborn persons or nonexistent corporations, trusts or other entities may be represented in or bound by any judgment or order entered in any action or special proceeding. This Act is hereby declared to be divisible, and if any part thereof shall be held to be invalid or inapplicable for any reason, the remainder thereof shall be and remain valid and applicable. This Act shall apply to all pending actions and special proceedings to which it may be constitutionally applicable. All judgments and orders heretofore entered in any action or special proceeding in which a guardian or guardians ad litem have been appointed for any unborn person or persons or any nonexistent corporations, trusts or other entities, are hereby validated as of the several dates of entry thereof in the same manner and to the full extent that they would have been valid if this Act had been in effect at the time of the appointment of such guardians ad litem; provided, however, that the provisions of this sentence shall be applicable only in such cases and to the extent to which the application thereof shall not be prevented by any constitutional limitation."

Sec. 2. This Act shall take effect upon ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1391 CHAPTER 1367

AN ACT TO AMEND THAT CERTAIN ACT ORIGINALLY DESIGNATED AS H. B. NO. 916 AND ENTITLED IN THE ORIGINAL CAPTION OR TITLE AS "A BILL TO BE ENTITLED AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA", THE SAME BEING AN ACT ENACTED BY THE GENERAL ASSEMBLY OF 1955 AND RATIFIED ON MAY 18, 1955.

The General Assembly of North Carolina do enact:

Section 1. Amend that certain Act of the General Assembly of 1955 originally designated as H. B. 916, the same being originally entitled: "A BILL TO BE ENTITLED AN ACT TO APPOINT JUSTICES OF THE

PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA", said Act having been ratified on May 18, 1955, by adding to that portion of said Bill or Act which designates and appoints the justices of the peace for Anson County the following:

"C. H. Ferguson, Wadesboro Township;

"Fred Dunlap, Wadesboro Township."

Sec. 2. That said Act referred to and designated in Section 1 of this Act is further amended by adding to that portion of said Act which relates to the appointment of justices of the peace for Warren County the following:

"Joe N. Ellis, Warrenton Township."

Sec. 3. That said Act referred to and designated in Section 1 of this Act is further amended by adding to that portion of said Act which relates to the appointment of justices of the peace for Burke County the following:

"Joel Clyde McCurry, Jonas Ridge Township."

Sec. 4. That said Act referred to and designated in Section 1 of this Act is further amended by adding to said Act in its proper alphabetical place the names of the following persons as justices of the peace for Lincoln County:

"W. A. Hull, North Brook Township;

"W. O. Houser, Howards Creek Township."

Sec. 5. That said justices of peace named in Sections 1 to 4, inclusive, of this Act are hereby designated and appointed for the counties and townships as set forth in Sections 1 to 4, inclusive, of this Act and shall hold term of office and shall have all the rights and privileges as set forth in said original Act originally designated as H. B. No. 916.

Sec. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1399 CHAPTER 1368

AN ACT TO PERMIT ELECTIONS ON THE QUESTION OF THE SALE OF WINE IN THE RURAL TOWNSHIPS OF HALIFAX COUNTY IN WHICH THERE ARE NO INCORPORATED CITIES AND TOWNS.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 824 of the Session Laws of 1947, as amended, is hereby amended by adding after Section 10 thereof, a new Section to be numbered "Section 11", to read as follows:

"Section 11 (a). For the purpose of determining whether or not wine shall be sold in any rural township of Halifax County in which there is no incorporated city or town, an election shall be called within such rural township when the conditions of this Section are complied with.

"(b) Upon the presentation to it of a petition signed by fifteen per cent (15%) of the registered voters of any rural township in Halifax County in which there is no incorporated city or town, who were registered and entitled to vote for Governor in the last general election, and a resolution signed by the majority of the members of the Halifax County Alcoholic Beverage Control Board requesting that an election be held for the purpose of submitting to the qualified voters of said township the question of whether or not wine shall legally be sold therein, the Halifax County Board of Elections shall call an election for the purpose of submitting said question or questions to the voters of said rural township or townships.

"(c) No petition filed pursuant to the provisions of this Section shall be considered by the Halifax County Board of Elections unless said petition shall state upon its face that at the election requested by those signing the petition, there shall be submitted to the voters the question of the legal sale of wine, nor shall any petition be considered unless it states that the signers thereof are, and were, registered voters of the rural township in which the election is requested, and as such registered voters, were entitled to participate in the last general election held within said township in Halifax County for Governor. The signatures on said petition shall be in the genuine handwriting of the signers and said petitions shall show opposite the name of each signer, the correct precinct in which the petitioner last voted. Failure to comply with any of the provisions herein shall disqualify the name of said petitioner.

"(d) The Halifax County Board of Elections shall, upon request, prepare and furnish petition forms to any person wishing to circulate a petition calling for an election on wine within any rural township in Halifax County not having an incorporated city or town within said township. The board of elections having had a request for petition forms, shall date such forms and the petition must be completed and returned to the board of elections within ninety (90) days from date of delivery to petitioner, or petitioners, if there be more than one. Failure to return such petition in ninety (90) days to the Halifax County Board of Elections shall render the same void. It shall also be the duty of said board of elections, upon release of petition forms, to give public notice by publication of such notice, once a week for two weeks, immediately following the delivery of such petition, in one or more newspapers as may be designated by the board of elections, and which in its discretion and opinion would most likely give public notice within said rural township that such petition or petitions are being circulated within said rural township for the purpose of having an election called and held on the question of the legal sale of wine within said township. Whenever a petition or petitions within said rural township is returned and presented to the Halifax County Board of Elections, pursuant to and complying with the provisions of this Section, said board of elections shall within thirty (30) days, call the election petitioned for.

"(e) Thirty (30) days public notice shall be given of any election called pursuant to the provisions of this Section prior to the opening of the registration books for the same, and such elections shall be held under

the same law and regulations as are provided for the election of members of the General Assembly, except that no absentee ballot shall be voted in said election.

"(f) Thirty (30) days public notice shall be given within the petitioning rural township of any election called pursuant to the provisions of this Section prior to the opening of the registration books for the same, and such election shall be held under the same law and regulations as are provided for the election of members of the General Assembly, except that no absentee ballots shall be voted in said election.

"(g) No election shall be held pursuant to the provisions of this Section in any rural township in Halifax County within sixty (60) days of the holding of any general, special or primary election in Halifax County.

"(h) Whenever an election is held pursuant to the provisions of this Section in any rural township in Halifax County, no other election pursuant to the provisions of this Section, shall be held within such rural township within two (2) years of the holding of the preceding election pursuant to the provisions of this Section.

"(i) If such election as herein provided for, is called to determine whether or not wine shall be sold within any one or more of the rural townships of Halifax County in which there is no incorporated city or town, the Halifax County Board of Elections, in addition to printing on said ballot the instructions and otherwise complying with the provisions of the law applicable to the ballots to be used in said election, shall submit the proposition to be voted upon and cause the same to be printed upon the ballot, as follows:

☐ For the legal sale of wine.

☐ Against the legal sale of wine.

"(j) If a majority of the votes cast in such election shall be 'for the legal sale of wine', then the sale of wine by lawfully authorized persons, firms or corporations, may continue as now permitted by law, and the Board of Commissioners of Halifax County shall issue to applicants entitled to the same, licenses to sell wine as defined in G. S. Sections 18-64 and G. S. Sections 18-99, as provided in Chapter 18 of General Statutes, until such time as the permits of such persons, firms or corporations may be revoked or otherwise prohibited under the power and authority now vested in said State, and/or Halifax County Alcoholic Beverages Control Boards, as now provided by law under the terms and provisions of G. S. Sections 18-116.1, G. S. 18-116.2, G. S. 18-116.3, G. S. 18-116.4 and G. S. 18-116.5.

If a majority of votes cast in any election held pursuant to provisions of the Section shall be 'against the legal sale of wine', then the sale or possession for the purpose of sale of such beverage thirty (30) days after said election shall constitute a misdemeanor, the punishment for which shall be in the discretion of the court, as hereinbefore provided.

"(k) Nothing in this Section shall be construed to repeal the provisions of G. S. 18-128, under which Section the purchase or possession of wine for sacramental purposes by any organized church, or ordained minister of the gospel is permitted.

"(m) That the costs and expense incidental to the conduct of any

election held under this Section shall be borne out of the profits and funds of the Halifax County Alcoholic Beverages Control Board and paid by said board to the Halifax County Board of Elections, or the persons entitled to receive the same."

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this Act be, and the same are hereby, repealed; provided, however, that nothing herein shall be construed to repeal or impair in any manner, or in any particular, or to any extent whatsoever the power and authority granted to any local or State governing control and enforcement boards within Halifax County, under the terms and provisions of G. S. 18-116.1, G. S. 18-116.2, G. S. 18-116.3, G. S. 18-116.4, and G. S. 18-116.5, but the power and authority thereby vested by law in said Halifax County and State Boards shall remain in full force and effect.

Sec. 3. This Act shall be in full force and effect ninety (90) days after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1402 CHAPTER 1369

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT A COMMISSION TO CELEBRATE THE 250TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF BATH AND TO AUTHORIZE THE GOVERNOR TO DESIGNATE A WEEK FOR THAT PURPOSE AND TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE, IN THEIR DISCRETION, TO ALLOCATE FROM THE CONTINGENCY AND EMERGENCY FUND A SUM NOT EXCEEDING $2,500.00 TO ASSIST IN SUCH CELEBRATION.

WHEREAS, the year 1955 marks the 250th anniversary of the incorporation of the Town of Bath, the oldest incorporated town in North Carolina, and

WHEREAS, among other important historical events occurring in the Town of Bath are the establishment of the first public library in North Carolina, and the erection of the oldest standing church building in this State, and

WHEREAS, the Town of Bath was one of the earliest seats of government of the State of North Carolina, and

WHEREAS, the Town of Bath was one of the few communities in this State which successfully resisted the Indian attacks in 1711 and was the home and residence of many of its prominent colonial citizens, and

WHEREAS, it is fitting and proper that the State of North Carolina recognize these historical events as having played a vitally important part in the early development of North Carolina, and

WHEREAS, every effort should be made to keep alive the memory of these significant occurrences as an inspiration to this and future generations, and

WHEREAS, the citizens of the Town of Bath and Beaufort County are

planning a celebration to commemorate the 250th anniversary of the incorporation of the town and it is fitting and proper that the State should take recognition thereof and participate therein in order that there may be more widespread recognition of the historic events in the State and Nation: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Governor of North Carolina is authorized and empowered to appoint a commission of citizens of the State to participate in and assist in conducting the aforesaid celebration.

Sec. 2. The Governor of North Carolina is authorized and empowered to designate a week in 1955 for the celebration of the 250th anniversary of the incorporation of the Town of Bath.

Sec. 3. The Governor and Council of State are hereby authorized and empowered, in their discretion, to appropriate from the Contingency and Emergency Fund, a sum not to exceed two thousand five hundred dollars ($2,500.00), to be expended by such commission as the Governor may appoint, as hereinbefore authorized, to celebrate the 250th anniversary of the incorporation of the Town of Bath, this amount to be expended in cooperation with the citizens of the Town of Bath and Beaufort County in carrying out said celebration.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1404 CHAPTER 1370

AN ACT TO FIX THE RATE OF TAX IMPOSED WITH RESPECT TO BEER IN SEVEN-OUNCE CONTAINERS.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provisions of subsection (a) of G. S. 18-81, as amended by House Bill No. 10, entitled "An Act to Amend and Supplement 'The Revenue Act,' Being Subchapter I of Chapter 105 of the General Statutes", enacted by the General Assembly at the 1955 Session, the rate of the tax therein imposed in said subsection (a) of G. S. 18-81 with respect to beverages described in subsection (a) of G. S. 18-64 shall be one and one-half cents (1½c) per bottle or container with respect to such beverages in bottles or other containers of exactly seven ounces.

Sec. 2. Notwithstanding any other provisions of subsection (a1) of G. S. 18-81, as enacted by House Bill No. 10, entitled "An Act to Amend and Supplement 'The Revenue Act,' Being Subchapter I of Chapter 105 of the General Statutes", enacted by the General Assembly at the 1955 Session, the rate of additional tax or surtax therein imposed in said subsection (a1) of G. S. 18-81, said subsection being an amendment to G. S. 18-81, with respect to beverages described in subsection (a) of G. S. 18-64 shall be six-tenths of one cent (.6c) per bottle or container with respect to such beverages in bottles or other containers of exactly seven ounces.

Sec. 3. Except as herein provided, all provisions of Article 4 of Chapter 18 of the General Statutes shall be applicable with respect to the taxes imposed by this Act in the same manner and to the same extent said provisions are applicable to other taxes imposed in said Article with respect to beverages described in subsection (a) of G. S. 18-64.

Sec. 4. The provisions of this Act shall not be applicable with respect to beverages in bottles or containers in other than those of exactly seven ounces, and the provisions of G. S. 18-81, as amended by said House Bill No. 10, above referred to, shall be applicable to said beverages in any other size containers, and the taxes therein imposed with respect to beverages in containers of more than six but not more than twelve ounces shall be applicable with respect to said beverages in containers of more than seven but not more than twelve ounces.

Sec. 5. If this Act, or the provisions thereof, or the application thereof to any person or circumstances, is for any reason whatsoever held invalid, such invalidity shall not in any manner affect the validity of any provisions of said House Bill No. 10 above referred to, and it is hereby declared that it is the legislative intent that said House Bill No. 10 be accorded full validity even though this Act is for any reason whatsoever held invalid, and in such event the taxes imposed in said House Bill No. 10 with respect to beverages described in subsection (a) of G. S. 18-64 shall be applicable with respect to said beverages in seven-ounce containers in the manner prescribed by the provisions of said House Bill No. 10.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective July 1, 1955.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

NOTE: This Act is not effective until July 1, 1957.

S. B. 49 **CHAPTER 1371**

AN ACT TO REWRITE CHAPTER 55 OF THE GENERAL STATUTES, ENTITLED "CORPORATIONS", WITH THE EXCEPTION OF CERTAIN DESIGNATED ARTICLES AND SECTIONS, AND TO INSERT IN LIEU OF SAID CHAPTER A NEW CHAPTER ENTITLED "BUSINESS CORPORATION ACT".

The General Assembly of North Carolina do enact:

Section 1. Chapter 55 of the General Statutes, entitled "Corporations", with the exception of all of Article 8, entitled "Uniform Stock Transfer Act", being composed of G. S. 55-81 through G. S. 55-104; all of Article 12, entitled "Execution", being composed of G. S. 55-140 through G. S. 55-146; all of Article 13, entitled "Receivers", being composed of G. S. 55-147 through G. S. 55-157; all of Article 15, entitled "Reorganization", being composed of G. S. 55-161 through G. S. 55-164; and G. S. 55-35, G. S. 55-41, G. S. 55-41.1, G. S. 55-41.2, G. S. 55-42, G. S. 55-164.1, G. S. 55-164.2, G. S. 55-164.3, is hereby rewritten, and there is hereby inserted in the General Statutes a new Chapter to read as follows:

CHAPTER 55
BUSINESS CORPORATION ACT

ARTICLE 1. General Provisions.

Sec. 55.1. Title.—This Chapter shall be known and may be cited as the Business Corporation Act.

Sec. 55.2. Definitions.—As used in this Chapter, unless the context otherwise requires, the term:

(1) "Accrued dividends" means, with reference to cumulative preferred shares, the amount by which the aggregate cumulative dividend preferences pertaining to a share of such class for the entire period during which the share was outstanding and cumulative, exceeds all the dividends actually paid thereon. For the purpose of this definition, a dividend is deemed paid if it has been declared and funds for its payment have been set aside.

(2) "Assets" means those properties and rights, other than treasury shares, which in accordance with generally accepted principles of sound accounting practice, are recognized as being properly entered upon the books and balance sheets of business enterprises in terms of a monetary value.

(3) "Charter" includes the original articles of incorporation, together with all amendments thereto and articles of merger or consolidation, and also includes what have heretofore been designated by law as certificates of incorporation, agreements of merger or of consolidation, or charters. When any provisions of this Chapter require a certified copy of a foreign corporation's "charter" to be filed, the corporation may file either certified copies of its articles and all amendments or a certified copy of its integrated articles or a certified copy of a restatement of its articles.

NOTE: This Act is not effective until July 1, 1957.

(4) "Corporation" means a corporation for profit or having a capital stock which may have been or may be created and organized under this Chapter or any other general or any special Act of this State. "Foreign corporation" means any other corporation for profit.

(5) "Dividend credit" means the aggregate of all yearly dividend credits. "Yearly dividend credit" means with respect to non-cumulative preferred shares, the amount by which the full dividend preference of such a share, to the extent that such preference is earned by the corporation with respect to such a share in a particular fiscal year, exceeds the dividends paid on said share for that year; provided, that no dividend credit shall accrue unless, and only to the extent that, there exists an earned surplus at the end of such fiscal year. Computations of earnings allocable to classes of shares made in good faith by the board of directors in accordance with generally accepted principles of sound accounting practice or made or adopted by them on the bases represented by an independent public accountant or by a certified public accountant or by a firm of such accountants as being in accordance with generally accepted principles of sound accounting practice shall be conclusive. For the purpose of this definition, a dividend is deemed paid if it has been declared and funds for its payment have been set aside.

(6) "Dominant shareholder" means a shareholder of a particular corporation, domestic or foreign, who by virtue of his share holdings has legal power, either directly or indirectly or through another corporation or series of other corporations, domestic or foreign, to elect a majority of the directors of the said particular corporation.

(7) "Liabilities" means all those debts and claims which either are known to impose a fixed obligation of payment or, if contingent, have sufficient possibility of becoming fixed as to require, in accordance with generally accepted principles of sound accounting practice, an estimate of their probable amount. Unaccrued obligations under short or long term leases not in default are not, in absence of special circumstances, required to be included as liabilities. Liabilities do not include stated capital or the amount of accrued dividends and dividend credits with respect to shares entitled to preferential dividends except to the extent that dividends have been declared but are unpaid.

(8) "Net assets" means the amount of a corporation's assets in excess of its liabilities.

(9) "Parent corporation," and "subsidiary corporation." "Parent corporation" means a corporation which is a dominant shareholder, as herein defined. A corporation through which, by virtue of its share holdings alone, a parent corporation has power to exercise the control which makes the latter a parent corporation is itself a parent corporation. A corporation with respect to which another corporation is a parent corporation is a "subsidiary corporation".

(10) "Preferred share" means a share of a class, whether or not

NOTE: This Act is not effective until July 1, 1957.

designated by the term "preferred," entitling its holder to receive dividends before dividends are paid to shares of another class.

Sec. 55-3. Applicability of this Chapter.—(a) The provisions of this Chapter shall apply to every corporation for profit, and, so far as appropriate, to every corporation not for profit having a capital stock, now existing or hereafter formed, and to the outstanding and future securities thereof, unless the corporation is expressly excepted from the operation hereof or unless there is other specific statutory provision particularly applicable to the corporation or inconsistent with some provisions of this Chapter, in which case that other provision prevails.

(b) Notwithstanding the provisions of subsection (a) of this Section, no corporation having a capital stock and formed for religious, charitable, nonprofit, social, or literary purposes shall hereafter be formed under this Chapter.

(c) The existence of corporations formed or existing on the date this Chapter takes effect shall not be affected by the enactment of this Chapter nor by any change in the requirements for the formation of corporations nor by any amendment or repeal of the laws under which they were formed or created, and, except as otherwise expressly provided in this Chapter, the repeal of a prior Act by this Chapter shall not affect any liability or penalty incurred, under the provisions of such Act, prior to the repeal thereof.

ARTICLE 2. Execution and Filing of Certain Corporate Documents.

Sec. 55-4. Execution of corporate documents for filing; filing, recording and effectiveness.—(a) Whenever the provisions of this Chapter require any document relating to a corporation to be executed and filed in accordance with this Section, unless otherwise specifically stated in this Chapter:

(1) There shall be an original executed document and also one conformed copy.

(2) The said original document shall, if required to be executed by the corporation, be signed by the president or a vice president and also by the secretary or an assistant secretary, with or without the corporate seal. In the case of a banking corporation, a cashier or an assistant cashier may act in lieu of a secretary or assistant secretary. If required to be executed by designated individuals, each of them shall sign.

(3) Except where the provisions of this Chapter specifically require acknowledgment, the said original document shall be verified by each of the individuals signing, whether in a representative capacity or otherwise, by a statement under oath, made before and certified by an official who is authorized under the laws of this State to take acknowledgments, declaring that he signed the said document, that the statements therein are true, and, in the case of an individual who signed in a representative capacity, declaring the capacity in which he signed and that he was authorized so to sign.

NOTE: This Act is not effective until July 1, 1957.

(4) The conformed copy may either extend its conformation with the original document through all the verifications (or acknowledgments, as the case may be) or may in lieu of such extension contain the legend, after the name of the signers substantially as follows: "Original duly verified (acknowledged) by all signers."

(5) The original document so signed and verified (or acknowledged, as the case may be), together with the conformed copy, shall be delivered to the Secretary of State. Unless he finds that it does not conform to law, the Secretary of State shall, when the proper taxes and fees have been tendered, endorse upon the original the word "Filed" and the hour, day, month, and year of the filing thereof and shall file the same in his office. The Secretary of State, shall thereupon immediately compare the copy with the original and if he finds that they are identical he shall make upon the conformed copy the same endorsement which appears on the original and shall attach to the copy a certificate stating that attached thereto is a true copy of the document, designated by an appropriate title, filed in his office and showing the date of such filing. He shall thereupon return the copy so certified to the corporation or its representative.

(6) The copy, certified as aforesaid, shall, within sixty days after the receipt by the corporation or its representative be delivered to the Clerk of Superior Court of the county wherein the corporation has its registered office, and, when the proper fees shall have been tendered, it shall be recorded and properly indexed in a book to be known as the Record of Incorporations. Promptly after the recordation, the clerk shall note the fact of recordation on the said copy and return it to the corporation or its representative.

(b) Any such document required to be filed shall be completely effective when filed by the Secretary of State and the transaction to be effectuated thereby shall thereupon be deemed as completely consummated as if all the required recording had been perfected and, unless otherwise provided in this Chapter with respect to some specific document, the failure to deliver it for recording in the office of the Clerk of Superior Court shall only subject the corporation to a penalty of one hundred dollars ($100.00) to be collected by the Secretary of State.

(c) It shall be the duty of the Secretary of State, whenever so requested and upon tender of the proper fees, to certify as aforesaid any true copy of any such document on file in his office or, if such be the request, to make or cause to be made typewritten or photostatic copies of such documents and to certify the same as aforesaid.

ARTICLE 3. Formation, Name and Registered Office.

Sec. 55-5. Purposes.—Corporations for profit may be organized under this Chapter for any lawful purposes. Where by law special provisions are made for the organization of designated classes of corporations such corporations shall be formed under those provisions and not hereunder.

NOTE: This Act is not effective until July 1, 1957.

Sec. 55-6. Incorporators.—Three or more natural persons, whether or not residents of this State, of the age of 21 years or more may act as incorporators of a corporation by signing and acknowledging articles of incorporation, which shall be filed in accordance with the provisions of G. S. 55-4. The acknowledgment shall be before an officer duly authorized under the laws of this State to take the proof or acknowledgment of deeds.

Sec. 55-7. Articles of Incorporation.—The articles of incorporation shall set forth: (a) The name of the corporation. (b) The period of duration, which may be perpetual. (c) The purpose or purposes for which the corporation is organized. (d) With respect to the shares which the corporation shall have authority to issue:

(1) If the shares are to have a par value, the number of such shares and the par value of each share,

(2) If the shares are to be without par value, the number of such shares,

(3) If the shares are to be of both kinds mentioned in paragraphs (1) and (2) of subsection (d) of this Section, particulars in accordance with those paragraphs,

(4) If the shares are to be divided into classes, or into series within a class of preferred or special shares, the Articles of incorporation shall also set forth either:

a. A designation of each class, with a designation of each series if there are to be series fixed by the articles of incorporation within a class, and a statement of the preferences, limitations and relative rights of the shares of each class or series, insofar as such preferences, limitations, and rights are to be fixed in the articles of incorporation; or

b. A designation of each class and a statement authorizing the board of directors to fix the preferences, limitations and relative rights of each class, or to establish series within a class and to determine the variations between series, insofar as the same are not to be fixed in the articles of incorporation; or

c. A designation of each class, without the further designation or statements provided for in sub-paragraphs a and b of this paragraph (4).

To the extent that the preferences, limitations, and relative rights of each class, and provisions for series within a class, are not set out in the articles of incorporation, the same may be fixed by the shareholders or directors in accordance with the provisions of G. S. 55-42.

(e) The minimum amount of consideration for its shares to be received by the corporation before it shall commence business. (f) Any provision limiting or denying to shareholders the preemptive right to acquire additional or treasury shares of the corporation. (g) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision which under this Chapter is required or permitted to be set forth in the bylaws. No provisions shall make fully

NOTE: This Act is not effective until July 1, 1957.

paid shares assessable. (h) The address, including street and number, if any, of its initial registered office, which shall be in this State, and the name of its initial registered agent at such address. (i) The number of directors constituting the initial board of directors (who may be classified in accordance with the provisions of G. S. 55-26) and the names and addresses, including street and number, if any, of the persons who are to serve as directors until the first meeting of shareholders or until their successors be elected and qualify. (j) The name and address, including street and number, if any, of each incorporator.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this Chapter.

Sec. 55-8. Corporate existence: filing of articles of incorporation; effect.—Upon the filing of the articles of incorporation in the office of the Secretary of State the corporate existence shall begin, and a copy of the articles certified by the Secretary of State shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this Chapter, except as against this State in a proceeding to annul or revoke the articles of incorporation. Corporate existence is not impaired by the acquisition of all the shares by one person.

Sec. 55-9. Requirement before commencing business.—A corporation shall not transact any business or incur any indebtedness, except such as shall be incidental to its organization or to obtaining subscription to or payment for its shares, until a certified copy of the articles of incorporation has been filed and recorded in accordance with the provisions of G. S. 55-4 and until there has been received the amount stated in the articles of incorporation as being the minimum amount of consideration to be received for its shares before commencing business.

Sec. 55-10. Exercise of corporate franchises not granted.—The Attorney General may upon his own information or upon complaint of a private party bring an action in the name of the State to restrain any person from exercising corporate franchises not granted.

Sec. 55-11. Organization meeting of directors.—After the filing of the articles of incorporation in the office of the Secretary of State an organization meeting of the board of directors named in the articles of incorporation shall be held, either within or without this State, at the call of a majority of the directors, for the purpose of adopting bylaws, electing officers and the transaction of such other business as may come before the meeting. The directors calling the meeting shall give at least three days notice thereof by mail to each director so named, which notice shall state the time and place of the meeting, unless notice is waived as hereinafter provided.

Sec. 55-12. Corporate name.—(a) The corporate name shall contain the wording "corporation," "incorporated," "limited" or "company" or an abbreviation of one of such words.

(b) The corporate name shall not contain any word or phrase which

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is likely to mislead the public or which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its charter.

(c) The corporate name shall not be the same as, or deceptively similar to, the name of any domestic corporation or of any foreign corporation authorized to transact business in this State, or a name the exclusive right to which is, at the time, reserved to some other person in the manner prescribed in this Section.

(d) The exclusive right to a corporate name not prohibited by this Section may be reserved for a period of 90 days by:

(1) Any person intending to organize a corporation under this Chapter.

(2) Any domestic corporation intending to change its name.

(3) Any foreign corporation intending to make application for a certificate of authority to transact business in this State.

(4) Any foreign corporation authorized to transact business in this State and intending to change its name, or

(5) Any person intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to transact business in this State.

The same name shall not be reserved for two or more consecutive 90-day periods by the same applicant or for the use and benefit of the same applicant; nor shall such consecutive reservations be made of names so similar as to fall within the prohibition of this Section.

(e) Any person or corporation acquiring the good will of a domestic corporation or of a foreign corporation authorized to transact business in this State may, on furnishing the Secretary of State satisfactory evidence of such acquisition, reserve the exclusive right to the corporate name of the said corporation for a period of ten years.

(f) The reservation of name, pursuant to subsections (d) and (e) of this Section, shall be made by filing with the Secretary of State a verified application therefor and the Secretary of State shall, upon tender of the fee hereinafter prescribed, reserve the name exclusively for the applicant unless he finds that the name is not available under the provisions of this Section.

(g) The exclusive right to a specified corporate name reserved hereunder, may, on tender of the fee hereinafter prescribed, be transferred to any other person or corporation by filing in the office of the Secretary of State a notice of such transfer, executed by the applicant for whom the name was reserved and specifying the name and address of the transferee.

(h) The use by a corporation of a name in violation of this Section may be enjoined notwithstanding the filing of its articles by the Secretary of State.

Sec. 55-13. Registered office and registered agent.—(a) Each corporation shall have and continuously maintain in this State:

(1) A registered office which may be, but need not be, the same as its place of business.

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(2) A registered agent, which agent may be either an individual resident in this State whose business office is identical with such registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this State, having a business office identical with such registered office.

(b) If any corporation has, prior to the effective date of this Chapter, filed with the Secretary of State a statement designating a principal office in this State, and agent in charge thereof, and has continued to maintain the same, it shall not be required to, but it may, designate a new registered office and agent as provided in G. S. 55-14.

Sec. 55-14. Change of registered office or registered agent.—(a) A corporation may change its registered office or its registered agent or both. To effectuate such change a statement shall be executed by the corporation and filed, in accordance with the provisions of G. S. 55-4, setting forth:

(1) The name of the corporation;

(2) The address, including street and number, if any, of its then registered office;

(3) If the address of its registered office be changed, the address, including street and number, if any, to which the registered office is to be changed;

(4) The name of its then registered agent;

(5) If its registered agent be changed, the name of its successor registered agent;

(6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

(7) That such change was authorized by resolution duly adopted by its board of directors.

(b) If the change in the registered office is to another county, a copy of such statement certified by the Secretary of State shall be recorded both in the old county and in the new county, and there shall also be recorded in the new county, in the manner prescribed by G. S. 55-4, a similarly certified copy of the corporation's charter.

(c) If the statement purporting to effectuate such changes is recorded in some but not in all the offices wherein recording is required by this Section, persons asserting claims against the corporation may treat as the registered agent or registered office of the corporation either the one newly designated in the statement or the pre-existing one.

(d) Any registered agent of a corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the Secretary of State, who shall forthwith mail a copy thereof to the corporation at its registered office, or, in the case of a foreign corporation, to the address of the principal office of the corporation in the state or country under the laws of which it is incorporated. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the Secretary of State. If the corporation fails to record said resigna-

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tion in the county where it has its registered office, any process served upon the agent shall, despite his resignation, be as effective as if he had not resigned, but the agent in such case shall be under no duty to the corporation with respect to such process.

Sec. 55-15. Service of process on corporation.—(a) Service upon the registered agent appointed by a corporation of any process, notice or demand required or permitted by law to be served upon the corporation shall be binding upon the corporation.

(b) Whenever a corporation shall fail to appoint or maintain a registered agent in this State, or whenever its registered agent cannot with due diligence be found at the registered office, then the Secretary of State shall be an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the Secretary of State of any such process, notice, or demand shall be made by delivering to and leaving with him, or with any clerk having charge of the corporation department of his office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the Secretary of State, he shall immediately cause one of the copies thereof to be forwarded by registered mail, addressed to the corporation at its registered office. Any such corporation so served shall be in court for all purposes from and after the date of such service on the Secretary of State.

(c) The Secretary of State shall keep a record of all processes, notices and demands served upon him under this Section, and shall record therein the time of such service and his action with reference thereto.

(d) Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

Sec. 55-16. Bylaws.—(a) The initial bylaws may be adopted by the board of directors at its organization meeting. Thereafter bylaws may be adopted, amended or repealed either by the shareholders or by the board of directors, but

(1) No bylaw adopted or amended by the shareholders shall be altered or repealed by the board of directors;

(2) No bylaw shall be adopted by the directors which shall require more than a majority of the voting shares for a quorum at a meeting of shareholders or more than a majority of the votes cast to constitute action by the shareholders, except where higher percentages are required by law;

(3) No bylaw authorizing compensation of officers measured by the amount of a corporation's income or volume of business shall be valid after five years from its adoption unless renewed by the vote of the holders of a majority of the outstanding shares regardless of limitation on voting rights.

(4) The charter or a bylaw adopted by the shareholders may limit or eliminate the power of the board of directors to adopt, amend or repeal the bylaws or any specific bylaw.

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(b) Any bylaw made by the board of directors shall be adopted by an affirmative vote of a majority of the directors then holding office and any bylaw made by the shareholders shall, except as otherwise provided in paragraph (3) of subsection (a) of this Section, be adopted by the affirmative vote of the shareholders entitled to exercise a majority of the voting power of the corporation. However, the charter or the bylaws may, subject to the provisions of paragraph (2) of subsection (a) of this Section, require more than the aforesaid majorities on the part of the directors or of the shareholders, as the case may be.

(c) The bylaws may contain any provisions for the regulation and management of the affairs of the corporation, including the transfer of its shares, not inconsistent with the law or the charter.

ARTICLE 4. Powers and Management.

Sec. 55-17. General powers.—(a) Each corporation shall have power:

(1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its charter.

(2) To sue and be sued, complain and defend, in its corporate name.

(3) To have a corporate seal which may be altered at will, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(4) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation.

(5) To make and alter bylaws, not inconsistent with its charter or with the laws of this State, for the administration and regulation of the affairs of the corporation.

(6) To make contributions or gifts to corporations, trusts, community chests, funds, foundations, or associations organized and operated exclusively for religious, charitable, literary, scientific, or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, when such contributions or gifts are authorized or approved by its board of directors.

(7) In time of war or engagement of the Nation's Armed Forces in hostile military operations, to transact any lawful business in aid of the United States in connection therewith.

(8) To invest its funds not currently needed in its business.

(9) To cease its corporate activities and surrender its corporate franchise.

(b) In connection with carrying out the purposes stated in its charter, and subject to any limitation prescribed by this Chapter or by its charter, every corporation shall also have power:

(1) To acquire, by purchase, lease, gift, will or otherwise, and to own, hold, improve, use and otherwise deal in and with, real and personal property, or any interest therein, wherever situated.

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(2) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets.

(3) To enter into contracts of guaranty or suretyship or make other financial arrangements for the benefit of its personnel or customers or suppliers.

(4) To procure for its benefit insurance on the life of any employee, including any officer, whose death might cause financial loss to the corporation, and to this end the corporation is deemed to have an insurable interest in its employees and officers.

(5) To acquire, by purchase, subscription, gift, will or otherwise, and to own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals, or direct or indirect obligations of the United States or of any government, state, territory, governmental district or municipality or of any instrumentality thereof.

(6) To enter into any arrangement with others for the sharing of profits or union of interest with respect to any transaction, operation or venture which the corporation has power to conduct by itself, even if such arrangement involves sharing or delegation of control of such transaction, operation or venture with or to others.

(7) To make contracts and incur liabilities, borrow money, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge or other form of security upon all or any of its property, franchises and income.

(8) To lend money for its corporate purposes, invest its funds from time to time, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(9) To conduct its business, carry on its operations, and have offices and exercise the powers granted by this Chapter anywhere in the world.

(10) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized.

(c) It shall not be necessary to set forth in the charter any of the powers enumerated in this Section.

Sec. 55-18. Defense of ultra vires.—(a) No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted:

(1) In an action by a shareholder against the corporation to enjoin the doing of any act or the transfer of real or personnel property by or to the corporation, but in any such action the plaintiff shall sustain the burden of proof that he has not at any time prior thereto assented to the act or transfer in question and that in bringing the action he is not acting in collusion with officials of the corporation. If the unauthorized acts or transfer sought to be enjoined are being, or are to be, performed or made

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pursuant to any contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the action and if deemed equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or to the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as loss or damage sustained.

(2) In an action by the corporation or by its receiver, trustee or other legal representative, or by its shareholders in a derivative suit, against the incumbent or former officers or directors of the corporation.

(3) In an action by the Attorney General, as provided in this Chapter, to dissolve the corporation, or in an action by the Attorney General to enjoin the corporation from the transaction of unauthorized business, or in a proceeding by the Secretary of State to revoke a certificate of authority of a foreign corporation pursuant to G. S. 55-151.

(b) This Section applies to acts, conveyances and transfers done or made by a foreign corporation in this State and to all conveyances to or by a foreign corporation of real property situated in this State, but if the foreign corporation is itself disqualified by this Chapter from maintaining an action in this State no action may be brought in this State under paragraph (1) of subsection (a) of this Section.

Sec. 55-19. Invalidity of certain exculpatory and indemnification provisions.—(a) Except as indemnification of a director or officer of a corporation is permitted by G. S. 55-20 and G. S. 55-21, no provision, hereafter made or adopted, whether contained in the charter, the bylaws, a resolution, a contract or otherwise, whereby the corporation purports to exempt or indemnify any director or officer of a corporation with respect to any liability or litigation expenses arising out of his activities as director or officer shall be valid.

(b) As used in this Section and in G. S. 55-20 and G. S. 55-21, the term "officer" includes any dominant shareholder engaged to perform services for the corporation, whether as employee or independent contractor.

Sec. 55-20. Indemnification of directors and officers in actions by outsiders.—When because of his duties or activities as director or officer of a corporation a present or former director or officer, alone or with others, is prosecuted in a criminal action or is sued in an action or proceeding not brought by the corporation nor brought by any party seeking derivatively to enforce a liability of such director or officer to the corporation, such director or officer shall be entitled to indemnification or reimbursement by the corporation for any expenses, including attorneys' fees, or any liabilities which he may have incurred in consequence of such action or proceeding, under the following conditions:

(1) If such director or officer is wholly successful in his defense on the

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merits, he shall be entitled to reimbursement from the corporation of all his reasonable expenses of defense, including attorneys' fees.

(2) If such officer or director is wholly successful otherwise than solely on the merits, the corporation may pay or agree to pay to him such expenses of defense, including attorneys' fees, as the board of directors in good faith shall deem reasonable, regardless of any adverse interest of any or all of the directors.

(3) If such director or officer is not wholly successful or is unsuccessful in his defense, the corporation may pay or agree to pay, in whole or in part, said expenses of defense and the amount of any judgment, money decree, fine, penalty or settlement for which he may have become liable, if a plan for such payment is sent to the holders of all shares entitled to vote, with notice of a shareholders' meeting, whether annual or special, to be held to take action thereon and if at such meeting a plan is approved by the holders of a majority of such shares, exclusive of the shares held directly or indirectly by any directors or officers to be benefitted by the plan if approved.

Sec. 55-21. Indemnity for litigation expenses in corporate action. (a) When a present or former director or officer of a corporation is sued, alone or with others, in the courts of this State, in any action seeking to establish his liability to the corporation arising out of his alleged dereliction of duty to the corporation, he shall in turn be entitled to indemnification or reimbursement from the corporation for so much of his expenses of defense, including attorneys' fees, as the judge, upon motion for indemnification or reimbursement, duly made in such action in his discretion finds to be reasonable, but only if both of the following conditions are satisfied:

(1) He is successful in whole or in part in the action against him or in any settlement thereof; and

(2) The court finds that his conduct fairly and equitably merits such relief.

(b) When such action is brought in another state and the result thereof is such as would have entitled the defendant officer or director to make a motion in the cause for indemnification or reimbursement of his expenses of defense under subsection (a) of this Section if the action had been brought in this State, but no such relief is available in the state in which the action is actually brought, the defendant officer or director may bring a separate action against the corporation in this State for such indemnification or reimbursement as he might have recovered had the suit against him been brought in this State. Notice of said action for indemnification or reimbursement shall be sent, in such form as the court may approve and at the corporation's expense, to the party or parties plaintiff in the prior action who shall be entitled to be heard.

(c) Whenever indemnification or reimbursement as permitted in this Section is sought, the court may in its discretion order notice of the claim thereof to be sent to the shareholders in such manner and in such form

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as it may approve, at the expense of the corporation. All shareholders so notified may be heard in opposition to the relief requested.

Sec. 55-22. Loans and guaranties.—(a) A corporation shall not, directly or indirectly, make any loan of money or property to, or guarantee or otherwise secure the obligation of:

(1) Any directors or officers of the corporation; or

(2) Any corporation of which the officers and directors of the lending or securing corporation own more than fifty per cent (50%) of the outstanding securities of any class; or

(3) Any dominant shareholder or any other corporation of which said shareholder is a dominant shareholder, unless that corporation is a subsidiary of the lending or securing corporation; or

(4) Any person upon the security of the shares of any corporation mentioned in paragraphs (2) and (3) of this subsection; except with the consent of all the shareholders, or with the consent of the holders of a majority of all the shares outstanding, regardless of limitation on voting rights, other than the shares held by the adversely interested party. A sale on credit in the ordinary course of business is not a loan within the meaning of this Section.

(b) The provisions of this Section do not apply to loans, guaranties, or other forms of security extended by banks, industrial banks, building and loan associations, land and loan associations, credit unions or insurance companies, or to loans permitted under any statute regulating any special class of corporations.

Sec. 55-23. Omitted.

Sec. 55-24. Board of directors.—(a) Subject to the provisions of the charter, the bylaws or agreement between the shareholders otherwise lawful, the business and affairs of a corporation shall be managed by a board of directors.

(b) No limitation upon the authority which the directors would have in the absence of such limitation, whether contained in the charter or the bylaws or otherwise, shall be effective against other persons without actual knowledge of such limitation.

(c) The directors need not be residents of this State or shareholders of the corporation unless the charter or the bylaws so require. The charter or the bylaws may prescribe other qualifications for directors.

Sec. 55-25. Number, election and term of directors.—(a) The number constituting the board of directors of a corporation shall be not less than three. The number shall be determined by the charter or bylaws, except that the number constituting the first board of directors shall be determined by the articles of incorporation. In the absence of a bylaw determining the number of directors, the number shall be the same as that stated in the charter.

(b) The number of directors may be increased or decreased from time to time only by amendment to the charter or to the bylaws adopted by the shareholders, but no such decrease shall be made when the number

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of shares voting against the proposal for decrease would be sufficient to elect a director if such shares could be voted cumulatively at an annual election. Whenever a class or a series of shares is entitled to elect one or more directors under authority granted by the charter, the provisions of this paragraph apply to the vote of that class or series for such election and not to the vote of the outstanding shares as a whole.

(c) The first board of directors shall consist of those named in the articles of incorporation. Thereafter directors shall be elected at the first meeting of the shareholders held for that purpose and at each subsequent annual meeting.

(d) Each director shall hold office for the term for which he is elected and until his successor shall have been elected and qualified.

(e) If any shareholder so demands election of directors by the shareholders shall be by ballot, unless the charter or the bylaws otherwise provide.

Sec. 55-26. Classification of directors.—When the board of directors shall consist of nine or more members, in lieu of electing the whole number of directors annually, it may be provided in the charter or in the bylaws adopted by the shareholders that the directors be divided into either two or three classes, each class to be as nearly equal in number as possible, the term of office of directors of the first class to expire at the first annual meeting of shareholders after their election, that of the second class to expire at the second annual meeting after their election, and that of the third class, if any, to expire at the third annual meeting after their election. At each annual meeting after such classification the number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the second succeeding annual meeting, if there be two classes, or until the third succeeding annual meeting, if there be three classes. No classification of directors shall, unless made in the charter, be effective prior to the first annual meeting of shareholders. Corporations having a lawfully classified board of directors when this Chapter goes into effect may continue their existing classification even though not conforming to this Section.

Sec. 55-27. Vacancies and removal of directors.—(a) A vacancy in the boards of directors exists:

(1) Upon the death or removal of any director, or upon his resignation, which may, if in writing, include terms making it effective at a future date or upon the occurrence of a future event, or

(2) If the authorized number of directors is increased, or

(3) If, at any annual, regular, or special meeting of shareholders at which any director is elected, the shareholders fail to elect the full authorized number of directors to be voted for at that meeting, or

(4) If a vacancy is declared as provided in subsection (b) of this Section.

(b) The board of directors may declare vacant the office of a director

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(1) Who has been declared of unsound mind by an order of court, or finally convicted of felony, or adjudged a bankrupt.

(c) Unless the charter or the bylaws otherwise provide, vacancies may be filled by a majority of the remaining directors even though less than a quorum or by a sole remaining director. If a vacancy occurs with respect to a director who had been elected by the votes of a particular class of shares voting as a class, the vacancy shall be filled by the remaining directors or the remaining sole director elected by that class. A vacancy created by an increase in the authorized number of directors shall be filled only by election at an annual meeting or at a special meeting of shareholders called for that purpose.

(d) The shareholders, or a class thereof if directors are elected by classes of shareholders, may elect a director at any time to fill any vacancy not filled by the directors. In the case of a resignation of a director tendered to take effect at a future time, the board of directors or the shareholders may, at any time after such tender, elect a successor to take office when the resignation becomes effective.

(e) A reduction of the authorized number of directors does not of itself remove any director prior to the expiration of his term of office.

(f) Unless the charter or the bylaws otherwise provide, the entire board of directors or any individual director may be removed from office with or without cause by a vote of shareholders holding a majority of the outstanding shares, entitled to vote at an election of directors. However, unless the entire board is removed, an individual director shall not be removed when the number of shares voting against the proposal for removal would be sufficient to elect a director if such shares could be voted cumulatively at an annual election. If any or all directors are so removed, new directors may be elected at the same meeting. Whenever a class or series of shares is entitled to elect one or more directors under authority granted by the charter the provisions of this subsection apply to the vote of that class or series as to those directors and not to the vote of the outstanding shares as a whole.

(g) The Superior Court of the county where the registered office or the principal place of business in this State is located may, at the suit of shareholders holding at least five per cent (5%) of the number of outstanding shares with or without voting rights, remove from office any director in case of fraudulent or dishonest acts or gross abuse of authority or discretion in the discharge of his duties to the corporation, and may bar from re-election any director so removed for a period prescribed by the court. The corporation shall be made a party to such actions.

Sec. 55-28. Directors' meetings.—(a) Meetings of the board of directors, regular or special, may be held either within or without this State.

(b) Unless the bylaws otherwise provide, special meetings of the board of directors may be called by the president or by any two directors.

(c) Regular meetings of the board of directors may be held with or without notice, as prescribed in the bylaws. Special meetings of the board

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of directors shall be held upon such notice as is provided in the bylaws, or in the absence of any such provision, upon notice sent by any usual means of communication not less than five days before the meeting. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting unless required by the bylaws. Notice of an adjourned meeting need not be given if the time and place are fixed at the meeting adjourning and if the period of adjournment does not exceed ten days in any one adjournment.

(d) A majority of the number of directors fixed by the charter or bylaws, shall constitute a quorum for the transaction of business unless a greater number is required by the charter or the bylaws. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by the charter or the bylaws.

Sec. 55-29. Informal or irregular action by directors or committees.—(a) Action taken by a majority of the directors or members of a committee without a meeting is nevertheless board or committee action if:

(1) Written consent to the action in question is signed by all the directors or members of the committee, as the case may be, and filed with the minutes of the proceedings of the board or committee, whether done before or after the action so taken, or if

(2) All the shareholders know of the action in question and make no prompt objection thereto, or if

(3) The directors or committee members are accustomed to take informal action and this custom is known to all the shareholders and if all the directors or committee members, as the case may be, know of the action in question and no director or committee member makes prompt objection thereto.

(b) If a meeting of directors otherwise valid is held without proper call or notice, action taken at such meeting otherwise valid is deemed ratified by a director who did not attend unless promptly after having knowledge of the action taken and of the impropriety in question he files with the secretary or assistant secretary of the corporation his written objection to the holding of the meeting or to any specific action so taken.

Sec. 55-30. Director's adverse interest.—(a) A corporation may, by action of its board of directors or otherwise, compensate its directors for their services as directors, salaried officers or otherwise.

(b) No corporate transaction in which a director has an adverse interest is either void or voidable, if:

(1) With knowledge on the part of the other directors of such adverse interest, the transaction is approved in good faith by a majority, not less than two, of the disinterested directors present even though less than a

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quorum, irrespective of the participation of the adversely interested director in the approval, or if

(2) After full disclosure of all the material facts to all the shareholders, the transaction is specifically approved by the vote of a majority or by the written consent of all of the voting shares other than those owned or controlled by the adversely interested directors, or if

(3) The adversely interested party proves that the transaction was just and reasonable to the corporation at the time when entered into or approved. In the case of compensation paid or voted for services of a director as director or as officer or as employee the standard of what is "just and reasonable" is what would be paid for such services at arm's length under competitive conditions.

Sec. 55-31. Executive Committee.—If the charter or the bylaws so provide, the board of directors, by resolution adopted by a majority of the number of directors fixed by the bylaws, or in the absence of a bylaw fixing the number of directors, then of the number stated in the charter, may designate two or more directors to constitute an executive committee, which committee, to the extent provided in such resolution or in the charter or the bylaws of the corporation shall have and may exercise all of the authority of the board of directors in the management of the corporation; but the designation of such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any member thereof, of any responsibility or liability imposed upon it or him by law.

Sec. 55-32. Liability of directors in certain cases.—(a) The liabilities imposed by this Section are in addition to any other liabilities imposed by law upon directors of a corporation.

(b) Directors of a corporation who vote for or assent to the declaration of any dividend or other distribution of the assets of a corporation to its shareholders contrary to the provisions of this Chapter or contrary to any lawful restrictions contained in the charter, shall be jointly and severally liable to the corporation for the amount of such dividend which is paid or the value of such assets which are distributed in excess of the amount which could have been lawfully paid or distributed.

(c) Directors of a corporation who vote for or assent to the purchase or redemption of its own shares contrary to the provisions of the Chapter shall be jointly and severally liable to the corporation for the amount of consideration paid for such shares which is in excess of the maximum amount which could have been lawfully paid.

(d) The liability of directors for violation of subsections (b) and (c) of this Section shall not exceed the debts, obligations and liabilities existing at the time of the violation which are not thereafter paid and discharged, plus any loss sustained from the violation by holders of shares outstanding at the time of the violation other than the shares receiving the payment in question.

(e) The directors of a corporation who vote for or assent to any

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distribution of assets of a corporation to its shareholders during the liquidation of the corporation without the payment and discharge of, or making adequate provision for, all known or reasonably ascertainable debts, obligations, and liabilities of the corporation shall be jointly and severally liable to the corporation for the value of such assets which are distributed, to the extent that such debts, obligations and liabilities of the corporation are not thereafter paid and discharged.

(f) The directors of a corporation who vote for or assent to the making of any loan or guaranty or other form of security in violation of G. S. 55-22 shall be jointly and severally liable to the corporation for the repayment or return of the money or value loaned, with interest thereon at the rate of six per cent (6%) a year until paid, or for any liability of the corporation upon the guaranty.

(g) If a corporation shall commence business before it has received the minimum amount of consideration for the issuance of shares, as stated in the articles of incorporation, the directors who assent thereto shall be jointly and severally liable to the corporation for such part of said minimum as shall not have been received before commencing business, but such liability shall be terminated when the corporation has actually received the said minimum consideration.

(h) A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his contrary vote is recorded or his dissent is otherwise entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action. If action taken by an executive committee is not thereafter formally considered by the board, a director may dissent from such action by filing his written objection with the secretary of the corporation with reasonable promptness after learning of such action.

(i) A director shall not be liable under Sections (b), (c) or (e) of this Section if he relied and acted in good faith and reasonably upon financial statements of the corporation represented to him to be correct and to be based upon generally accepted principles of sound accounting practice by the president or the officer of such corporation having charge of its books of account, or certified by an independent public accountant or by a certified public accountant or firm of such accountants to fairly reflect the financial condition of such corporation.

(j) Any director who is held liable upon and pays a claim asserted against him under or pursuant to this Section for the payment of a dividend or other distribution of assets of a corporation shall be entitled to reimbursement or exoneration from the shareholders who accepted or received any such dividend or assets, knowing such dividend or distribution

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to have been made in violation of this Section, in proportion to the amounts received.

(k) Any director against whom a claim shall be asserted under or pursuant to this Section shall be entitled to contribution from the other directors who voted for or assented to the action upon which the claim is asserted and in any action against him shall, on motion, be entitled to have such directors made parties defendant.

(l) Except where the properties of a corporation are being administered in liquidation, or under court supervision for the benefit of creditors, or in the event that the official administering such properties refuses to bring an action for violation of this Section, any creditor damaged by a violation of this Section may in one action obtain judgment against the corporation and enforce the liability of one or more of the directors to the corporation imposed by this Section to the extent necessary to satisfy his claim, or he may in a separate action obtain such judgment and then enforce such liability.

(m) No action shall be brought against the directors for liability under this Section after three years from the time when the cause of action was discovered or ought to have been discovered.

Sec. 55-33. Jurisdiction over and service on nonresident director.—(a) Every nonresident of this State who shall become a director of a domestic corporation shall by becoming such director be subjected to the jurisdiction of the courts of this State in all actions or proceedings brought therein by, or on behalf of, or against said corporation in which said director is a necessary or proper party, or in any action or proceeding by shareholders or creditors against said director for violation of his duty as director. Every nonresident who is a director of a domestic corporation when this Act becomes effective shall be likewise so subject to the jurisdiction of the courts of this State unless he shall within sixty days of the effective date of this Act resign his office and file in the office of the Secretary of State a notice of such resignation.

(b) Every nonresident by serving as a director of a domestic corporation at any time after sixty days from the effective date of this Chapter shall be subject to the jurisdiction of the courts of this State in any action or proceeding for violation of his duty while in office.

(c) Every resident of this State who shall become a director of a domestic corporation and thereafter removes his residence from this State shall be subject to the jurisdiction of the courts of this State in all actions or proceedings brought therein by, or on behalf of, or against said corporation in which said director is a necessary or proper party, or in any action or proceeding by shareholders or creditors against said director for violation of his duty as a director.

(d) In all actions or proceedings wherein a director or former director is made a party, and cannot with due diligence be found within the State, service of process, notice or demand on said director or former director shall be made by mailing or otherwise delivering duplicate copies thereof

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to the Secretary of State, who shall be deemed to have been constituted the process agent of such director or former director by the act of such director in becoming a director or continuing as director for the period provided in subsection (a) of this Section. When such copies are to be delivered to the Secretary of State the procedure to be followed shall be, as against such director or former director, substantially the same as that set forth in G. S. 55-146 relating to service on foreign corporations by serving the Secretary of State, and service made pursuant to such procedure shall have the same legal force and validity as if the service had been made personally in this State.

Sec. 55-34. Officers.—(a) The officers of a corporation shall consist of a president, one or more vice presidents as may be prescribed by the bylaws, a secretary, and a treasurer, each of whom shall be elected by the board of directors at such time and in such manner as may be prescribed by the bylaws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the bylaws. Any two or more offices may be held by the same person, except the offices of president and secretary.

(b) All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the corporation as may be provided either specifically or generally in the bylaws, or as may be determined by action of the board of directors not inconsistent with the bylaws.

(c) The president has authority to institute or defend legal proceedings when the directors are deadlocked.

(d) Any officer or agent elected or appointed by the board of directors may be removed by the board of directors whenever in its judgment the best interests of the corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

Sec. 55-35. Duty of directors and officers to corporation.—Officers and directors shall be deemed to stand in a fiduciary relation to the corporation and to its shareholders and shall discharge the duties of their respective positions in good faith, and with that diligence and care which ordinarily prudent men would exercise under similar circumstances in like positions.

Sec. 55-36. Execution of corporate instruments; authority and proof. —(a) Notwithstanding anything to the contrary in the bylaws or charter, any deed, mortgage, contract, note, evidence of indebtedness, proxy, or other instrument in writing, or any assignment or indorsement thereof, whether heretofore or hereafter executed, when signed in the ordinary course of business on behalf of a corporation by its president or a vice president and attested or counter-signed by its secretary or an assistant secretary, (or, in the case of a bank, attested or countersigned by its secretary, assistant secretary, cashier, or assistant cashier), not acting in dual capacity, shall with respect to the rights of innocent third parties, be

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as valid as if executed pursuant to authorization from the board of directors, unless the instrument reveals on its face a potential breach of fiduciary obligation. The foregoing shall not apply to parties who had actual knowledge of lack of authority or of a breach of fiduciary obligation or to the execution of corporate securities which are required, by corporate regulations or resolutions formally adopted, to be signed or countersigned by a transfer agent or registrar who has agreed to act in that capacity.

(b) Any instrument purporting to create a security interest in personal property of a corporation, is sufficiently executed on behalf of the corporation if heretofore or hereafter signed in his official capacity by the president, a vice president, the secretary, an assistant secretary, the treasurer, or an assistant treasurer. Any instrument so executed shall, with respect to the rights of innocent holders, be as valid as if authorized by the board of directors and upon acknowledgment may be ordered to registration as provided by law.

(c) Deeds, mortgages, contracts, notes, evidences of indebtedness and other instruments purporting to be executed, heretofore or hereafter, by a corporation, foreign or domestic, and bearing a seal which purports to be the corporate seal, setting forth the name of the corporation engraved, lithographed, printed, stamped, impressed upon, or otherwise affixed to the instrument, are prima facie evidence that the seal is the duly adopted corporate seal of the corporation, that it has been affixed as such by a person duly authorized so to do, that such instrument was duly executed and signed by persons who were officers or agents of the corporation acting by authority duly given by the board of directors, that any such instrument is the act of the corporation, and shall be admissible in evidence without further proof of execution.

(d) The provisions of the foregoing subsections of this Section shall apply to all instruments therein mentioned executed on behalf of foreign corporations when their authorization, admissibility in evidence or legal effect is challenged in any action or other proceeding in this State.

(e) Nothing in this Section shall be deemed to exclude the power of any corporate representatives to bind the corporation pursuant to express, implied or apparent authority, ratification, estoppel or otherwise.

(f) Nothing in this Section shall relieve corporate officers from liability to the corporation or from any other liability that they may have incurred from any violation of their actual authority.

(g) The Home Owners Loan Corporation or any corporation, the majority of whose stock is owned by the United States Government, may convey lands or other property which is transferable by deed which is duly executed by either an officer, manager, or agent of said corporation, sealed with the common seal and has attached thereto a signed and attested resolution, under seal, of the board of directors of said corporation authorizing the said officer, manager or agent to execute, sign, seal, and attest deeds, conveyances or other instruments. This Section shall be deemed to have been complied with if an attested resolution is recorded

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separately in the office of the register of deeds in the county where the land lies, which said resolution shall be applicable to all deeds executed subsequently thereto and pursuant to its authority. All deeds, conveyances or other instruments which have been heretofore or shall be hereafter so executed shall, if otherwise sufficient, be valid and shall have the effect to pass the title to the real or personal property described therein.

Sec. 55-37. Books and records.—(a) Each corporation shall:

(1) Keep correct and complete books and records of account, and

(2) Keep minutes of the proceedings of its shareholders, its board of directors, and executive committee, if any,

(3) Keep in this State at its registered office or principal place of business or at the office of its transfer agent or registrar a record of its shareholders, giving the names and addresses of all shareholders and the number and class of the shares held by each, and

(4) Cause a true statement of its assets and liabilities as of the close of each fiscal year and of the results of its operations and of changes in surplus for such fiscal year, all in reasonable detail, including the statement required by G. S. 55-44(b) when applicable, to be made and filed at its registered office or principal place of business in this State, within four months after the end of such fiscal year, and thereat kept available for a period of at least ten years for inspection on request by any shareholder of record, and shall mail or otherwise deliver a copy of the latest such statement to any shareholder upon his written request therefor.

(b) Any shareholder may apply for a writ of mandamus to compel a corporation and its officers and directors to comply with this Section.

Sec. 55-38. Examination and production of books, records and information.—(a) For the purpose of this Section, a qualified shareholder is a person, natural or corporate, who shall have been a shareholder of record in a corporation, domestic or foreign, for at least six months immediately preceding his demand or who shall be the holder of record of at least five per cent (5%) of its outstanding shares of any class, and the term shareholder includes a holder of a voting trust certificate to the extent of the shares represented by said certificate.

(b) A qualified shareholder, upon written demand stating the purpose thereof, shall have the right, in person, or by attorney, accountant or other agent, at any reasonable time or times, for any proper purpose, to examine at the place where they are kept and make extracts from, the books and records of account, minutes and record of shareholders of a domestic corporation or those of a foreign corporation actually or customarily kept by it within this State. A qualified shareholder in a parent corporation shall have the aforesaid rights with respect to the books, records and minutes of a domestic subsidiary corporation or those of a foreign subsidiary corporation actually or customarily kept by it within this State. A shareholder's rights under this subsection may be enforced by an action in the nature of mandamus.

(c) Two or more shareholders whose aggregate holdings equal the

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percentage of holdings required of a qualified shareholder may join in exercising their rights.

(d) Any officer or agent or corporation refusing to mail a statement as required by G. S. 55-37 or refusing to allow a qualified shareholder to examine and make extracts from the aforesaid books and records of account, minutes and record of shareholders, for any proper purpose, shall be liable to such shareholder in a penalty of ten per cent (10%) of the value of the shares owned by such shareholder, but not to exceed five hundred dollars ($500.00), in addition to any other damages or remedy afforded him by law, but the court may decrease the amount of such penalty on a finding of mitigating circumstances. It shall be a defense to any action for penalties under this Section that the person suing therefor has at any time sold or offered for sale any list of shareholders of such corporation or any other corporation or has aided or abetted any person in procuring any list of shareholders for any such purpose, or has improperly used any information secured through any prior examination of the books and records of account, or minutes, or record of shareholders of such corporation or any other corporation.

(e) Any person, firm, or corporation who sells, offers for sale, or procures for the purpose of sale any list of shareholders of a corporation, or who uses information obtained pursuant to the provisions of G. S. 55-38 for any purposes other than those incident to ownership of the shares as to which such information was obtained, shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court.

(f) Notwithstanding the foregoing provisions of this Section, upon proof of proper purpose by a shareholder of a domestic or foreign corporation, irrespective of the period of time during which such shareholder shall have been a shareholder of record and irrespective of the number of shares held by him:

(1) The Superior Court of the county wherein a domestic corporation has its registered office or its principal office may compel the production, for examination by such a shareholder, of the books, documents and records of the corporation, whether or not the same are usually kept within or without the State, and

(2) The Superior Court of the county wherein a foreign corporation keeps any books, documents and records may compel the production, for examination by such a shareholder, of those books, documents and records that are customarily kept in this State by that corporation, even though they may not be within the State at that time.

(g) In any action or proceeding to which a domestic or foreign corporation is party, any court of record in this State may, upon notice fixed by the court, and after hearing and proper cause shown, and upon such terms as prescribed by the court, order any or all of the pertinent books, documents and records of such corporation, or transcripts from or duly authenticated copies thereof, to be brought within this State, and kept

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therein at such place and for such time and for such purposes as may be designated in such order.

(h) Any corporation refusing to comply with any final order made by a court pursuant to subsections (f) and (g) of this Section shall, if a domestic corporation, be subject to involuntary dissolution under G. S. 55-122 and, if a foreign corporation, shall be subject to revocation of its certificate of authority; and the offending directors and officers of such domestic or foreign corporation shall be subject to be punished for contempt of court for disobedience of such order.

Sec. 55-39. Omitted.

ARTICLE 5. Corporate Finance.

Sec. 55-40. Authorized shares and restrictions thereon.—(a) A corporation shall have power to create and issue the number of shares fixed in its charter. Such shares may be divided into one or more classes, any or all of which may consist of shares with or without par value, with such designations, preferences, limitations, and relative rights, not inconsistent with the provisions of this Chapter, as shall be fixed in the charter or, as permitted by G. S. 55-42, in resolutions adopted by the shareholders or directors. The charter or said resolutions may limit or deny the voting rights of the shares of any class to the extent not inconsistent with the provisions of this Chapter.

Without limiting the foregoing authority, a corporation may, in accordance with its charter or the aforesaid resolutions, issue shares of preferred or special classes:

(1) Subject to the right of the corporation to redeem at its option any such shares at the price fixed for the redemption thereof.

(2) Entitling the holders thereof to cumulative, non-cumulative or partially cumulative dividends.

(3) Having preference over any other class or classes of shares as to the payment of dividends.

(4) Having preference in the assets of the corporation over any other class or classes of shares upon the voluntary or involuntary liquidation of the corporation.

(5) Convertible into shares of any class or into shares of any series of the same or any other class, except into a class of shares or into other securities having prior or superior rights and preferences as to dividends, income or distribution of assets upon liquidation. The provisions setting forth the rights of conversion may include any statement, not repugnant to law, for the protection of such rights against dilution or otherwise.

(b) Unless the provisions of the charter or of resolutions fixing the characteristics of shares, whether heretofore or hereafter issued, clearly indicate otherwise:

(1) If preferred shares cumulative as to dividends are entitled to preferential payments on liquidation or dissolution, the amount of accrued dividends, as defined in this Chapter, shall be included in the amount of said preferential payment.

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(2) Shares entitled to preferences in payments of dividends or on liquidation or dissolution are not entitled to participate in said payments beyond the amount of their stated preferences.

(c) For the purpose of this and the following subsection, shares entitled to preferential dividends which are not fully cumulative are hereby designated as non-cumulative preferred shares, and shares subordinate thereto as to dividends are hereby designated as junior shares.

Notwithstanding any provision in the charter or in any resolution to the contrary, non-cumulative preferred shares of a class which has not been issued either wholly or in part until after this Chapter becomes effective shall be entitled to a dividend credit, as defined in this Chapter, and until such dividend credit is fully discharged no dividend shall be paid to any junior shares.

(d) Unless the provisions of the charter or of resolutions fixing the rights of shares clearly indicate otherwise:

(1) Provisions relative to non-cumulative preferred shares already outstanding when this Chapter becomes effective shall be interpreted as having the legal effect set forth in subsection (c) of this Section.

(2) If non-cumulative shares, whether issued before or after the enactment of this Chapter, are entitled to preferential payments on liquidation or dissolution, the amount of any then existing dividend credit shall be added to the said preferential payment.

(e) Except in cases falling within G. S. 55-52 (b) (5), no shares shall be hereafter authorized which purport to be redeemable at the election of the holder or which at the election of the holder purport to change his status to that of a creditor either at a designated time or upon a designated contingency. Nothing herein shall invalidate mandatory sinking fund requirements for the application of net earnings to the redemption of shares. This subsection shall not apply to building and loan associations or to land and loan associations.

Sec. 55-41. Issuance of shares of preferred or special classes in series. —If so provided in the charter or in resolutions that are in accordance with G. S. 55-42, the shares of any preferred or special class may be divided into and issued in series. If the shares of any such class are to be issued in series, then each series shall be so designated as to distinguish the shares thereof from the shares of all other series and classes. Any or all of the series of any such class and the variations in the relative rights and preferences as between different series may be fixed and determined by the charter or by resolutions that are in accordance with G. S. 55-42, but all shares of the same class shall be identical except as to the following relative rights and preferences, as to which there may be variations between different series within a class:

(1) The rate of dividend.

(2) The price at and the terms and conditions on which shares may be redeemed.

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(3) The amount payable upon shares in event of involuntary liquidation.

(4) The amount payable upon shares in event of voluntary liquidation.

(5) Sinking fund provisions for the redemption or purchase of shares.

(6) The terms and conditions on which shares may be converted, if the shares of any series are issued with the privilege of conversion.

Sec. 55-42. Determination by shareholders and directors of classification of shares.—(a) If the charter states that the shares are to be divided into classes but does not itself fix and does not expressly authorize the directors to fix the preferences, limitations and relative rights of the shares of each class, the same may, to the extent not fixed by the charter, be fixed by a resolution adopted at a shareholders' meeting by the vote of a majority of the shares of each class outstanding, whether or not such shares are otherwise entitled to vote. Such classes of shares may also by such resolution be divided into series within a class of preferred or special shares. Whenever a class is divided into series and the charter does not fix between the series the variations permitted by this Chapter and does not expressly authorize the directors to fix the same, the same may also be fixed by such resolution.

(b) If the charter or a resolution adopted at a shareholders' meeting by the vote prescribed by subsection (a) of this Section expressly vests authority in the board of directors so to do, then, to the extent that the charter or shareholders' resolution does not fix the preferences, limitations or relative rights of any classes into which the shares are therein stated to be divided or to the extent that the charter or shareholders' resolution have not established series or have not fixed between series the variations permitted by this Chapter, the board of directors shall have the authority to fix the same by resolution adopted by the board.

(c) No provisions fixed by the shareholders or directors under this Section purporting to confer upon any class of shares a priority with respect to dividends or distributions upon liquidation or dissolution over any then outstanding class of shares itself entitled to similar priority over other shares shall be valid.

(d) Nothing herein shall authorize resort to this Section to effectuate any change in the preferences, limitations and relative rights, though fixed as permitted in this Section, of any shares after their issuance.

(e) Prior to the issuance of any shares of a class or series of which the preferences, limitations or relative rights have been fixed by the shareholders or directors as permitted in this Section, a statement of those preferences, limitations and relative rights, entitled Statement of Classification of Shares of (name of corporation), shall be executed by the corporation and filed in accordance with the provisions of G. S. 55-4, setting forth:

(1) The name of the corporation.

(2) The resolution or resolutions of the shareholders or board of directors relating to the fixing of the preferences, limitations and relative

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rights of the classes, or to the fixing of variations between series within a class.

(3) As to any shareholders' resolution, a statement showing the number of shares of each class outstanding, the number of such shares present or represented at the meeting which adopted the resolution and the number of shares of each class voted for and against the resolution.

(4) The date of the adoption of the foregoing resolution or resolutions.

Sec. 55-43. Subscriptions for shares.—(a) A pre-incorporation subscription is a promise or contract to take shares in a corporation to be organized and to pay the agreed price thereof to the corporation or to others for its benefit. A post-incorporation subscription is a contract made with an existing corporation to purchase its shares, whether on original issue or as treasury shares, regardless of whether the status of the purchaser as shareholder is created at the time of making the contract or later.

(b) No pre-incorporation or post-incorporation subscription is valid unless in writing, signed and delivered by the subscriber.

(c) A valid pre-incorporation subscription shall be irrevocable for six months, unless the terms of the subscription otherwise provide, or unless all of the subscribers consent to its revocation. At any time while a pre-incorporation subscription is irrevocable or remains unrevoked, it may be accepted by the corporation and, if otherwise conforming to law, shall thereupon become enforceable.

(d) The increase of stated capital effected by a subscription is determined by G. S. 55-47.

(e) No pre-incorporation or post-incorporation subscription for shares shall contain provisions or be obtained upon oral or written representations that the payment of the shares subscribed is to be made out of subsequent earnings of the corporation or, except in a subscription by an employee, that the corporation (other than an investment company in cases within G. S. 55-52 (b) (5) or a building and loan association) will subsequently re-purchase the shares, or that the subscribed shares are entitled to any advantage or preference over other shares of the same class or series. Any such provision or representation, or any oral condition purporting to qualify a written subscription, shall not be a defense against enforcement of the subscription or be grounds for rescission or for any other remedy against the corporation by the subscriber, but any promoter or agent of the corporation making or participating in making any such representation shall be liable to any subscriber for any loss resulting from reliance thereon, and any officer or director of a corporation who accepts a subscription which contains such provisions or which he knows was induced by such representations shall be similarly liable.

(f) Unless otherwise agreed in writing, it shall be no defense to the enforcement of a pre-incorporation subscription that no notice was given to the subscriber of his right to participate in selecting the first board of

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directors named in the charter, in adopting the first by-laws or in otherwise perfecting the organization.

(g) Unless otherwise provided in the subscription agreement, all subscriptions for shares shall be paid at such time, or in such installments and at such times, as shall be determined by the board of directors. Any call made by the board of directors, pursuant to such determination, for payment on subscriptions shall be uniform as to all shares of the same class or as to all shares of the same series, as the case may be.

(h) Regardless of whether the status of the purchaser as holder of the number of shares called for by the subscription has been created upon making the contract of subscription, either party thereto is entitled, upon default by the other and upon tender of his own performance or circumstances excusing such tender, to receive payment of the subscription price or delivery of the share certificate, as the case may be; and the election of the aggrieved party to assert such right shall, despite any alternative remedy by way of damages, entitle the parties to the same remedies as if the purchaser were the holder of said shares.

(i) In case of default in the payment of any balance, installment or call when such payment is due, the corporation may:

(1) Bring action to collect any sum so due, without prejudice to any subsequent action to collect subsequent installments or calls. Until full payment is made the corporation shall have a lien on the subscribed shares, notwithstanding any judgment against the subscriber for the unpaid balance, and until sale of the shares pursuant to the judgment the lien is not lost by any preliminary or final execution upon said shares.

(2) Bring action against the subscriber for damages for breach of the contract of subscription. If this remedy is pursued, title to any shares which may have passed to the subscriber under the subscription agreement reverts to the corporation upon entry of the judgment in favor of the corporation.

(3) Rescind the subscription and keep as liquidated damages all prior payments up to ten per cent (10%) of the subscription price and in such event the corporation shall remit to the subscriber forthwith any excess of such prior payments beyond said ten per cent (10%).

(j) A subscription, whether unpaid or partly or fully paid, may be rescinded by the subscriber on the ground of fraud unless it is shown that any creditor or investor became such in actual reliance upon such subscription and would be prejudiced thereby, but this subsection shall not apply to representations of the kind designated in subsection (e) of this Section.

(k) The board of directors shall have authority, unless otherwise restricted by the charter or bylaws, to determine in good faith whether and upon what terms the obligation of any subcriber shall be released, settled or compromised. The release of a subscription which has been accepted by the corporation is the equivalent of a purchase by the corporation of the shares in question and is subject to the restrictions and

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liabilities set forth in G. S. 55-32, G. S. 55-52 and G. S. 55-54 relating to such a purchase.

(1) No provision in any subscription shall, as against creditors, entitle the subscriber to the status of creditor with respect to any amount theretofore or thereafter paid under the terms of the subscription.

Sec. 55-44. Conversion rights and option.—(a) Subject to any limitations or restrictions contained in this Chapter or in the charter, a corporation may, by action of its board of directors:

(1) In connection with the issuance of its bonds, debentures, notes or other obligations, grant to the holders thereof the right to convert them into shares, and

(2) Either in connection with the issuance of shares or other securities or independently thereof, grant options to purchase any of its shares.

(b) Every corporation shall include in its statement of assets and liabilities required by G. S. 55-37 a statement of the then current conversion ratio of any outstanding securities and a statement of the number of shares covered by any outstanding options and the price at which the options are exercisable.

(c) The instrument evidencing the security entitled to said conversion rights shall set forth, in full or by summary, the provisions and conditions of such rights, or shall be a share certificate complying with provisions of G. S. 55-57.

(d) A corporation may issue stock purchase warrants, subscription warrants, or other evidences of option rights, setting forth the terms, provisions and conditions thereof.

(e) Option rights may be transferable or nontransferable or separable or inseparable from the shares, obligations or other securities of the corporation.

(f) At the time of granting conversion or option rights the corporation shall reserve and continue to reserve sufficient authorized shares to meet the exercise thereof but the failure of the corporation to do so shall not impair the right to claim damages from the corporation.

(g) The granting of rights to convert into or to exercise rights to acquire shares which are subject to pre-emptive rights must be authorized by such action of the shareholders as would be required to release pre-emptive rights under the provisions of this Chapter, and such authorization shall operate as such release.

(h) Obligations or shares shall not be converted into shares having a greater aggregate par value than the face amount of the obligation so converted or than the par value of the shares so converted or than the stated capital represented by any no-par shares so converted, unless provision is made for the difference by a transfer from surplus to stated capital.

Sec. 55-45. Sale of shares and options to employees.—(a) Unless otherwise provided in the charter, a corporation may provide for and carry out a plan for the sale of its unissued or treasury shares to its employees or

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to the employees of its subsidiary corporations or to a trustee on their behalf. Such plan shall be adopted at a special or annual meeting by vote of a majority of the shares entitled to vote, but no option for such shares shall be granted and no contract of sale nor any sale of shares, except such sale as occurs in performance or exercise of a valid contract or option, shall be valid if made pursuant to such plan later than two years after its adoption by the shareholders. Such plan may include provisions, among others, for: the kind and amount of consideration, payment in installments or at one time; aiding any such employees in paying for such shares by compensation for services, by loans, or otherwise; granting of options, which shall be non-transferable except by operation of law; the fixing of eligibility for participation in the plan; the class and price of shares to be sold under the plan; the number of shares which may be purchased, the method of payment therefor, the reservation of title until full payment; the effect of termination of employment; an option or obligation on the part of the corporation to repurchase the shares; and the time limits and termination of the plan. The term "employees" as used in this Section includes officers in the full-time employment of the corporation, but nothing in this Section is intended to permit financial aid to such officers in violation of G. S. 55-22.

(b) Unless otherwise provided in the charter, an option to purchase shares otherwise than under a plan as provided in subsection (a) of this Section may be granted by action of the board of directors to a person for the purpose of securing or retaining his services as employee, if the option is exercisable at a price not less than one hundred fifty per cent (150%) of the market price of the shares at the time the option is granted, or without limitation as to price if the action of the board is authorized by a special resolution adopted by vote of a majority of the shares entitled to vote, excluding any shares held by said employee.

(c) Notwithstanding the provisions of other subsections of this Section, no corporation shall issue shares that are unlimited as to dividends, or, except in accordance with subsection (b) of this Section, grant options for such shares, to any class of persons, whether such class be designated as employees or as managerial personnel, or by any other similar terms or combinations thereof, or otherwise, when it is planned that ten per cent (10%) or more of the shares then being issued or optioned are to go, directly or indirectly, to directors or to dominant shareholders, unless:

(1) The shares are issued or the options are granted with the consent of the holders of two-thirds of the shares that are unlimited as to dividends, excluding the shares owned by said directors or dominant shareholders, or

(2) The shares are issued after making a pre-emptive offer thereof to the holders of the shares of that class.

(d) In any actions by, against, or in behalf of a corporation to challenge the validity of any stock option granted to any employee, the situs of the option is deemed to be at the registered office of the corporation, and

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such action may be brought as an action quasi in rem with service of process by publication or outside the State as provided by law. Such action may also be brought as an action in personam. If two or more grantees of stock options are necessary or proper parties, they may be joined in accordance with the provisions of law applicable to class actions.

Sec. 55-46. Consideration for shares.—(a) Shares of a corporation, including treasury shares, shall not be issued or disposed of by it for any kind of consideration except:

(1) Money or property, tangible or intangible, actually received by the corporation, or

(2) Labor or services actually rendered to the corporation or for its benefit in its organization or reorganization, or

(3) Shares, securities or other obligations of the corporation actually surrendered, cancelled or reduced, or

(4) In satisfaction of accrued dividends or dividend credits that have arisen with respect to preferred shares, or

(5) Amounts transferred from surplus to stated capital.

(b) Neither promissory notes nor other obligations of a subscriber or purchaser, including any indorsement or guaranty of an obligation of the corporation, nor any agreement to perform future services, shall constitute payment or part payment to a corporation for its shares.

(c) Subject to the further restrictions set forth in this Section and to the provisions of G. S. 55-53:

(1) Shares having par value, other than treasury shares, shall not be issued for a consideration less than their par value, except that they may be issued as fully paid at such discount from their par value as does not exceed reasonable expense and compensation incurred in the sale or underwriting of such shares.

(2) Shares without par value and treasury shares may be issued or disposed of for such consideration, expressed in dollars, as the board of directors may determine.

(d) That part of the surplus of a corporation which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be protanto consideration for the issuance of such shares.

(e) In the event of a conversion or exchange of shares with or without par value into or for the same or into or for a different number of shares with or without par value, whether of the same or a different class or classes, the consideration for the shares so issued in exchange or conversion shall be deemed to be:

(1) The stated capital then represented by the shares so exchanged or converted irrespective of the actual value of such shares, and

(2) That part of surplus, if any, transferred to stated capital upon the issuance of shares for the shares so exchanged or converted, and

(3) Any additional consideration paid to the corporation upon the issuance of shares for the shares so exchanged or converted.

(f) When shares are issued or disposed of by a corporation, in trans-

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actions other than those mentioned in G. S. 55-46(e) for any consideration other than money or satisfaction of dividend accruals or dividend credits, the board of directors shall state by resolution their determination of the fair value to the corporation of such consideration unless the amount of the consideration is determined by the provisions of this Section. In the absence of fraud or bad faith, the judgment of the directors as to the value of the consideration received for shares shall be conclusive. When the consideration for the issuance of shares is the satisfaction of any liquidated indebtedness of the corporation or of any accrued dividends or dividend credits that have arisen with respect to preferred shares, the fair value of the consideration so received may be determined to be the face amount of the indebtedness or of the accrued dividends or dividend credits so satisfied, and no inference of fraud or bad faith arises from such determination.

(g) Shares issued or disposed of for the kind and amount of consideration prescribed by this Section shall be deemed fully paid and nonassessable.

Sec. 55-47. Determination of stated capital.—(a) As used in this Section with respect to shares, the term "issued" refers to all shares that have been subscribed and whose subscribers have the status of shareholders, even though the shares have not been paid in full, and even though no certificate therefor has been issued, but does not include the reissue of treasury shares.

(b) A corporation shall have a stated capital, which except as reduced in accordance with this Chapter, shall be an amount in dollars equal to the sum of:

(1) The aggregate par value of all shares having par value which have been issued from time to time, and

(2) The entire amount of the agreed consideration received or to be received by the corporation for all shares without par value which have been issued from time to time, except such portion thereof as the board of directors prior to or at the time of issuance of such shares designates as paid-in surplus, and

(3) Such amounts, not included in paragraph (1) or (2) of this subsection as are transferred from surplus to stated capital upon declaration of a share dividend, and

(4) Such amounts as are transferred from surplus to stated capital represented by shares without par value by resolution of the board of directors without declaration of a share dividend.

(c) If par value shares are issued for a consideration in excess of their par value, the excess shall be credited to paid-in surplus; if issued at a discount as permitted by G. S. 55-46(c) the amount of the discount may be entered on the books as a debit and be separately shown in financial statements, in accordance with generally accepted principles of sound accounting practice or good business practice.

(d) Whenever the status of shareholder is created by the acceptance of a pre-incorporation subscription or the making of a post-incorporation

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subscription contract, the corporation shall thereupon credit to its stated capital account such sum as would be so credited upon full payment for the shares in question, and any unpaid balance shall be debited to a separate account designated as balance on unpaid shares or otherwise appropriately designated.

(e) The stated capital of a corporation may be increased from time to time, upon declaration of a share dividend or by resolution of the board of directors directing that all or a part of the surplus be transferred to stated capital. The board of directors may direct that the amount of surplus transferred without declaration of a share dividend shall be allocated as stated capital in respect of any designated class of shares without par value.

(f) When any number of its shares with or without par value are changed, exchanged, converted, subdivided or consolidated for or into any number of shares, with or without par value, any shares thereby surrendered to the corporation shall be deemed to be canceled even if no formal steps to that effect are taken, and, subject to any adjustment to be made if additional consideration is to be paid:

(1) If the stated capital represented by the shares so canceled is the same as that of the shares issued therefor, the aggregate stated capital of the corporation is not changed;

(2) If the stated capital represented by the canceled shares is greater than that represented by the shares issued therefor, no reduction of stated capital is legally effective unless proceedings are taken in accordance with this Chapter to reduce the stated capital;

(3) If the stated capital represented by the shares so canceled is less than that represented by the shares issued therefor, the stated capital of the corporation shall be deemed increased accordingly and adjustment of accounts appropriate thereto shall be made.

(g) Notwithstanding any other provisions of this Section, if shares are issued in cancellation or satisfaction of dividend accruals or of dividend credits that have arisen with respect to preferred shares, the board of directors shall determine the amount of stated capital to be represented by the shares so issued, which amount shall be not less than the par value, if any, of the shares so issued, and either:

(1) The stated capital of the corporation may remain the same by debiting against the stated capital represented by any then outstanding shares without par value an amount equal to the stated capital represented by the shares so issued, and no proceedings for the reduction of stated capital are thereby required, or

(2) The stated capital of the corporation may be increased by a transfer from any surplus to stated capital of an amount equal to the stated capital represented by the shares being so issued, and if there is no surplus the aforesaid amount may be transferred to stated capital even though a deficit is thereby created or increased, or

(3) The stated capital of the corporation may be reduced, in accord-

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ance with the provisions of G. S. 55-48, so as to create a surplus from which an amount can be transferred to stated capital with respect to the shares so issued.

Sec. 55-48. Reduction of stated capital.—(a) Whenever, as a result of an amendment of the charter reducing the par value of outstanding shares or of a merger effected in accordance with the provisions of this Chapter, the stated capital of the corporation is reduced, no further proceedings are necessary to consummate a reduction of stated capital.

(b) Subject to the provisions of subsection (d) of this Section, the stated capital of a corporation may be reduced by a resolution of the shareholders determining that the stated capital represented by the shares without par value, or any class of such shares, be reduced as stated in the said resolution. The said resolution shall be adopted by the shareholders by such vote and at such meeting and pursuant to such notice thereof, as would be required under G. S. 55-100 for an amendment of the charter if the shares being so reduced were shares having par value.

(c) Subject to the provisions of subsection (d) of this Section, the stated capital of a corporation may be reduced, pursuant to action taken by the board of directors to that effect, without assent of the shareholders:

(1) By the cancellation of any shares purchased, redeemed or otherwise acquired by the corporation except shares acquired through exchange of shares or conversion of convertible shares, and thereby the stated capital of the corporation shall be reduced by the amount of stated capital represented by the shares so cancelled; or

(2) By the exchange of shares or conversion of convertible shares for or into shares representing an amount of stated capital less than that represented by the shares surrendered upon such exchange or conversion, in which event the stated capital of the corporation shall be deemed reduced by the difference; or

(3) By the release of shares subject to the limitations of G. S. 55-43(k), other than treasury shares, from subscription, in which event the stated capital of the corporation shall be deemed reduced by the amount of stated capital represented by the released shares.

(d) To effectuate a reduction of stated capital pursuant to subsections (b) and (c) of this Section there shall be executed and filed, in accordance with the provisions of G. S. 55-4, a Certificate of Reduction of Capital, which shall set forth:

(1) The name of the corporation.

(2) A statement that the purpose of the certificate is to consummate a reduction of stated capital and a statement of the manner in which such reduction is being effected.

(3) The number of issued shares, itemized by classes and series, if any, and the amount of stated capital represented thereby, before the reduction.

(4) The number of issued shares, itemized by classes and series, if any, and the amount of stated capital represented thereby, after the reduction.

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(5) The total amount by which the stated capital is being reduced by virtue of this certificate.

(6) Either a statement that no action by the shareholders is necessary to effect the foregoing reduction or a statement showing the number of shares outstanding, the number of shares entitled to vote on the reduction, and the number of shares voted for and against the reduction.

(e) If it is desired to take concurrent action to amend the charter and also to effect the reduction of stated capital, whether effected through such an amendment as indicated in subsection (a) of this Section or effected otherwise as indicated in subsections (b) and (c) of this Section, the statement to be executed by the corporation and filed, in accordance with the provisions of G. S. 55-4, may be designated as Articles of Amendment and Certificate of Reduction of Stated Capital.

(f) Distributions made to shareholders after a reduction of stated capital and made as authorized in this Chapter give rise to no cause of action in favor of creditors, regardless of whether their claims arose before or after the reduction.

Sec. 55-49. Surplus, net profits and valuation of assets.—(a) Surplus is the excess of a corporation's net assets, as defined in this Chapter, over its stated capital. Such surplus consists of earned surplus or capital surplus or both, and shall be so classified on the books.

(b) Except where provisions of this Chapter specifically require a different standard or impose additional limitations, the assets of a corporation may, for the purpose of determining the lawfulness of dividends or of distributions or withdrawals of corporate assets to or for the shareholders, be carried on the books in accordance with generally accepted principles of sound accounting practice applicable to the kind of business conducted by the corporation.

(c) For the purpose of determining the lawfulness of dividends or of the purchase or redemption of shares, treasury shares shall not be counted as assets.

(d) Earned surplus is the portion of the surplus of a corporation equal to the balance of its net profits, income, gains and losses, including gains and losses realized from the disposition or destruction of fixed assets (but not including unrealized appreciation in the value of any assets), from the date of incorporation or from the latest date when a deficit was eliminated by an application of its capital surplus as permitted by subsection (i) of this Section, after deducting subsequent distributions to shareholders and transfers to stated capital and to capital surplus to the extent that such distributions and transfers are made out of earned surplus, all computed in accordance with generally accepted principles of sound accounting practice applicable to the kind of business conducted by the corporation.

(e) Capital surplus is the entire surplus of the corporation other than its earned surplus, and includes, without being limited to, paid-in surplus, surplus arising from reduction of stated capital and surplus arising from

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a revaluation of assets made in good faith upon demonstrably adequate bases of revaluation. Capital surplus may be classified on a corporation's books and statements according to its derivation.

(f) A surplus arising from the sale of treasury shares at a price in excess of the cost of their acquisition or from the retirement of treasury shares acquired at a price less than the amount of capital reduction to be effected by their retirement is not earned surplus and shall be accounted for as capital surplus or as some classification thereof.

(g) In computing earned surplus or net profits, deduction shall be made for such obsolescence, depletion, depreciation, losses, bad debts and other items as accords with generally accepted principles of sound accounting practice.

(h) No transfer shall be made from earned surplus to capital surplus without the affirmative vote of a majority of the shares that are unlimited as to dividends, except as such transfer is incidental to a share dividend.

(i) A corporation may, by resolution of its board of directors, apply any part or all of its capital surplus to the reduction or elimination of any deficit in the earned surplus account but if there are outstanding shares entitled to preferential dividends, such action must be approved by the vote of a majority of such shares.

(j) A corporation may, by resolution of its board of directors, create or add to a reserve or reserves out of its earned surplus or current net profits for any proper purpose set forth in the resolution, and may abolish or diminish any such reserve upon determination by the board of directors that such reserve is no longer necessary or that it is in excess of the amount required for the purpose for which it was created; but no such reserve shall, except in accordance with generally accepted principles of sound accounting practice applicable to the kind of business conducted by such corporation, diminish the amount of earned surplus or net profits available for dividends.

(k) Whenever two or more corporations are consolidated or merged or whenever a corporation purchases all of the assets of another corporation as a going concern and pays all or substantially all the purchase price by the issuance of shares of the purchasing corporation, or whenever a corporation is reorganized, the earned surplus appearing on the books of the constituent or merged or purchased corporation or corporations or on the books of a corporation prior to reorganization may, to the extent that it is not capitalized, be entered as earned surplus on the books of the resultant or purchasing or reorganized corporation.

(l) Where a parent corporation acquires and owns a majority of the shares of a subsidiary corporation or where a group of parent corporations in pursuit of a common interest acquires and owns all or substantially all of the shares of a subsidiary corporation, a share dividend received by such a parent corporation or parent corporations out of surplus earned by the subsidiary after said acquisition may be treated by the recipient parent corporation as earned income in an amount corresponding, pro rata, to

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the amount of earned surplus of the subsidiary which was capitalized by virtue of the share dividend.

Sec. 55-50. Dividends in cash or property.—(a) Subject to the restrictions provided in this Section, the board of directors of a corporation may declare and pay dividends payable in cash or in property:

(1) Out of the earned surplus of the corporation, or

(2) Out of the amount of net profits earned during the current or preceding accounting period, each said period to be not less than six months or more than one year in duration, regardless of any impairment of stated capital, or

(3) Out of the capital surplus of the corporation, but such dividends from this source may be paid only if the sources in paragraphs (1) and (2) of this subsection are unavailable and then only to shares entitled to preferential dividends and no capital surplus paid in by any class of stock may be used for the payment of dividends on any class junior thereto, or

(4) In partial liquidation as permitted by subsection (e) of this Section. A dividend paid from sources other than those indicated in paragraphs (1) and (2) of this subsection to shares not entitled to preferential dividends is a partial liquidation and is subject to the provisions of subsection (e) of this Section.

(b) Any provision inserted in any charter or bylaws or resolutions or agreement of the shareholders after this Chapter becomes effective purporting to make unavailable the sources mentioned in paragraphs (1) and (2) and (3) of subsection (a) of this Section for the payment of dividends to shares entitled to preferential dividends shall be null and void, but nothing herein shall invalidate any agreement between a corporation and its creditors restricting the payment of dividends.

(c) No dividend payable in cash or in property may be declared or paid if upon the payment thereof:

(1) There is reasonable ground for believing that the corporation would be unable to meet its obligations as they become due in the ordinary course of business, or

(2) The liabilities of the corporation would exceed the fair present value of its assets, or

(3) The highest aggregate liquidation preferences of shares entitled to such preference over the shares receiving the dividend would exceed the corporation's net assets.

(d) For the purpose of paying a dividend out of earned surplus or net profits as permitted by subsection (a) of this Section, a corporation engaged in the business of exploiting natural resources may compute its earned surplus or net profits without deduction for the depletion of such resources. If a dividend is paid from a source so computed, the corporation shall make the disclosure required by subsection (g) of this Section.

(e) The board of directors of a corporation may distribute to its shareholders in partial liquidation, out of capital surplus (including a

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surplus created by reduction of stated capital), a portion of its assets, subject to the following provisions:

(1) Except in a case within paragraph (2) of this subsection, the distribution shall be made only upon a determination by the board of directors that the assets of the corporation are in excess of the needs of its business, and upon authorization by a resolution adopted by the holders of a majority of the shares of each class, whether or not otherwise entitled to vote, and the distribution shall be made pro rata to the class or classes of shareholders as specified in the said resolution. Such distribution is not deemed to be a liquidation within the liquidation preferences to which any class of shares may be entitled, unless the charter otherwise provides, but such a distribution shall respect the preferential right to dividends to which any class of shares may be entitled.

(2) If the corporation is organized for the purpose of liquidating specific assets (otherwise than by the exploitation of natural resources) and is solely engaged in that activity, the distribution may be made as specifically provided in the charter with respect to such a distribution, without the vote of shareholders and without regard to the provisions of subsection (g) of this Section.

(3) In addition to all other restrictions upon the payment of dividends imposed by this Section, no distribution permitted by this subsection shall be made if thereupon the present fair value of the assets of the corporation is less than twice the amount of its liabilities.

(f) Partly paid shares are entitled to participate in dividends on the basis of the percentage of the consideration actually received by the corporation thereon, unless otherwise provided in the charter or subscription agreement.

(g) Concurrently with the payment of a dividend the corporation shall disclose to the shareholders receiving the same the source from which the dividend is paid if it is paid:

(1) Otherwise than out of earned surplus, or

(2) Out of earned surplus arising from the elimination, within one year prior to the dividend payment, of a deficit in the earned surplus account as permitted by G. S. 55-49(i), or

(3) Out of earned surplus or net profits computed without deduction for depletion of natural resources.

(h) The provisions of the foregoing subsections shall not apply to banks and insurance companies.

(i) As used in this subsection, net profits mean such net profits as can lawfully be paid in dividends to a particular class of shares after making allowance for the prior claims of shares, if any, entitled to preference in the payment of dividends, but in the determination of such profits the provisions of subsection (d) of this Section shall not apply. If during its immediately preceding fiscal period a corporation has paid to any class of shares dividends in cash or property amounting to less than one-third of the net profits of said period allocable to that class, the holder

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or holders of twenty per cent (20%) or more of the shares of that class may, within four months after the close of said period, make written demand upon the corporation for the payment of additional dividends for that period. After a corporation has received such a demand, the directors shall, during the then current fiscal period or within three months after the close thereof, cause dividends in cash or property to be paid to the shareholders of that class in an amount equal to the difference between the dividends paid in said preceding fiscal period to shareholders of that class and one-third of the net profits of said period allocable to that class, or in such lesser amount as may be demanded. A corporation shall not, however, be required to pay dividends pursuant to such demand insofar as such payment would exceed fifty per cent (50%) of the net profits of the current fiscal period in which such demand is made or insofar as the net profits are being retained to eliminate a deficit. Upon receipt of such a demand a corporation may elect to treat any dividend previously paid in the current fiscal period as having been paid in the preceding fiscal period, in which event the corporation shall so notify all shareholders. If a dividend is paid in satisfaction of a demand made in accordance with this subsection it shall be deemed to have been paid in the period for which it was demanded, and all shareholders shall be so informed concurrently with such payment.

(j) Nothing in this Section shall impair any rights which a shareholder may have on general principles of equity to compel the payment of dividends, but, except for actions started before this Chapter becomes effective, all rights previously conferred by statute upon shareholders to force a corporation to pay dividends are hereby abrogated.

(k) Any action by a shareholder to compel the payment of dividends may be brought against the directors, or against the corporation with or without joining the directors as parties. The shareholder bringing such action shall be entitled, in the event that the court orders the payment of a dividend, to recover from the corporation all reasonable expenses, including attorney's fees, incurred in maintaining such action. If a court orders the payment of a dividend, the amount ordered to be paid shall be a debt of the corporation.

Sec. 55-51. Share dividends.—(a) Subject to the restrictions provided in this Section, the board of directors of a corporation may declare and pay dividends in its own authorized but unissued shares out of any surplus of the corporation upon the following conditions:

(1) If a dividend is payable in its own shares having a par value, such shares shall be issued at not less than the par value thereof and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus equal to the aggregate par value of the shares to be issued as a dividend.

(2) If a dividend is payable in its own shares without par value, such shares shall be issued at fair value to be ascertained and stated by the board of directors by resolution adopted at the time such dividend

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is declared, and there shall be transferred to stated capital at the time such dividend is paid an amount of surplus equal to the aggregate value so ascertained and stated in respect of such shares; and the amount per share so transferred to stated capital shall be disclosed to the shareholders receiving such dividend concurrently with the payment thereof.

(b) No dividend payable in shares of any class shall be paid to the holders of shares of any other class nor shall any share dividend be paid to holders of shares entitled to preferential dividends nor shall any share dividend be paid which would change the voting position of different classes of shares with respect to voting for directors, unless:

(1) The share dividend is paid to holders of shares entitled to preferential payment of dividends which by the charter are required or permitted to be paid in a specified number of shares, whether of that same class or of another designated class, or

(2) The share dividend is specifically authorized by the vote of a majority of shares of each class that might be adversely affected by such a share dividend. Such vote may, if so stated in the resolution of the shareholders, be effective authorization to the directors for one year thereafter for the declaration and payment of such a share dividend if the amount of said dividend is specifically fixed or limited for the shares which are to receive it as stated.

(c) Disclosure similar to that required by G. S. 55-50(g) shall be made if a share dividend is paid from a source which in the case of cash dividends would require disclosure under G. S. 55-50(g).

(d) A corporation making a distribution of treasury shares among its shareholders shall, concurrently with delivery of the corresponding certificate or script, designate the transaction as a distribution of treasury shares and shall not represent it to be a share dividend.

(e) A split-up or division of the issued shares of any class into a greater number of shares of the same class without increasing the stated capital of the corporation shall not be construed to be a share dividend within the meaning of this Section.

Sec. 55-52. Acquisition by a corporation of its own shares.—(a) A corporation may acquire its own shares by gift, bequest, merger, consolidation, distribution of the assets of another corporation, exchange of its shares or as permitted in this Section by purchase or redemption.

(b) Subject to the provisions of subsection (e) of this Section, a corporation may, by action of its board of directors, purchase and pay for its shares, or redeem such shares if redeemable, regardless of any impairment of stated capital, in the following cases:

(1) To collect, settle, compromise or release in good faith a debt of or claim against any shareholder or subscriber of its shares;

(2) To eliminate fractional shares or to avoid their issuance;

(3) To satisfy claims of dissenting shareholders entitled to payment for their shares under the provisions of G. S. 55-113;

(4) To perform its agreement with an employee who has purchased

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from the corporation shares under an agreement relating to employment which obligates or entitles the corporation to repurchase them;

(5) If the corporation is organized to engage in the business of investing in securities and is engaged in no other business, to perform its agreement to repurchase its shares, at prices substantially equivalent to their proportionate interests in the assets of the corporation;

(6) Subject also to the provisions of subsection (f) of this Section, to acquire for retirement, at prices not exceeding their redemption price, its shares that are subject to redemption.

(c) Subject to the provisions of subsections (e) and (f) of this Section, a corporation may, by the action of its board of directors, purchase and pay for its shares, but only out of surplus and only in the following cases:

(1) Pro rata from all its shareholders or all of a class of shareholders.

(2) On an organized securities exchange, if the board of directors shall have obtained authorization so to purchase, within a period of one year preceding the purchase, by the vote of the holders of a majority of the shares of the class to be purchased, after full disclosure to them of the specific purpose of the proposed purchase.

(3) From any shareholder upon the vote of a majority of the shares of the class to be purchased, whether or not the shares of the said class are otherwise entitled to vote, and also the vote of a majority of the shares otherwise entitled to vote, exclusive of all shares of any class held by the said shareholder. Such vote is required for each specific purchase and is not valid if given under a standing general resolution, bylaw or provision in the charter.

(4) In connection with stabilizing operations authorized by the Securities and Exchange Commission or other regulatory authority.

(d) A corporation may acquire shares issued by a parent corporation by gift, bequest, merger, consolidation, distribution of the assets of another corporation or otherwise, but not by purchase.

(e) A corporation shall not purchase or redeem its shares if at the time of or as a result of such acquisition:

(1) There is reasonable ground for believing that the corporation would be unable to meet its obligations as they become due in the ordinary course of business, or

(2) The liabilities of the corporation would exceed the fair present value of its assets; or

(3) The highest aggregate liquidation preference of the shares to remain outstanding having prior or equal claims to the assets of the corporation would exceed the net assets of the corporation, or

(4) There exists any unpaid accrued dividends or dividend credits with respect to any shares entitled to preferential dividends ahead of the shares to be purchased, but the provisions of this paragraph (4) shall not apply to purchases made as permitted in paragraphs (1), (2), or (3) or (4) of subsection (b) of this Section.

(f) A corporation shall not purchase its redeemable shares, other-

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wise than by redemption or as permitted in paragraphs (1) to (5) inclusive of subsection (b) of this Section, at a time when there exists a default in the payment of accrued dividends or any dividend credit upon said shares, unless prior to such purchase notice in writing stating the intention so to purchase and the amount intended to be applied thereto is seasonably mailed to the holders of shares of the class to be purchased or unless adequate publicity of such intention and amounts is otherwise given within a time reasonably calculated to apprise the market of the proposed action.

(g) Unless steps are taken to consummate a reduction of capital as provided in G. S. 55-48, the acquisition of treasury shares shall not be deemed to effect a reduction of stated capital, whether or not the said shares are purportedly kept as treasury shares or are purportedly retired or canceled by the corporation.

(h) Redemption of shares by a corporation may be made either pro rata or by lot as provided in the charter or in resolutions adopted in conformity with G. S. 55-42, as the case may be, or, in the absence of such provision, pro rata or by lot as the board of directors may determine.

(i) Treasury shares shall not carry voting or dividend rights.

(j) This Section shall apply also to corporations not formed under this Chapter, subject to such further restrictions on the purchase or redemption of shares as may be contained in special statutory provisions applicable to such corporations.

ARTICLE 6. Shareholders.

Sec. 55-53. Liability of shareholders arising from acquisition of shares.—(a) As used in this Section, the term "watered shares" means shares which:

(1) Were issued for money at less than their par value in contravention of G. S. 55-46(c); or

(2) Were issued, with or without par value, for a consideration other than money to a person who influenced the corporation to enter the said consideration on its books at an over-valuation, unless the value so entered is conclusive under the provisions of G. S. 55-46(f); or

(3) Were issued, with or without par value, for property to a person who held such property as constructive trustee for the corporation and who in transferring said property to the corporation received therefor a greater number of shares than his fiduciary duties permitted; or

(4) Were issued, with or without par value, for an amount of consideration which, after giving full recognition to the freedom of business judgment exercised in good faith, substantially and unfairly diluted the holdings of other shareholders and were issued to a person who had knowledge that the directors of the corporation were thereby violating their fiduciary duties to the corporation or to its shareholders. As used in this paragraph shareholders include, but are not limited to, those persons who purchase shares from the corporation or from its promoters in accordance

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with a plan already entertained by the promoters and who so purchase without adequate disclosure to them that their shares are diluted by the lesser amount of consideration received by the corporation for shares previously issued to promoters.

(b) Every original holder of watered shares shall be subject to:

(1) Liability to the corporation for the excess of the par value of said shares over the price paid for their issuance or, as the case may be, for the amount of over-valuation of the consideration entered upon its books, unless the valuation so entered is conclusive under the provisions of G. S. 55-46(f), over and above the maximum valuation that could in good faith have been fixed therefor; but this liability exists (a) only if there is reasonable ground to believe that creditors or shareholders may have relied on such excess or over-valuation and (b) only to the extent necessary to pay the claims of such creditors or adjust the equities of such shareholders, or

(2) Cancellation, in an action by the corporation, of such a number of shares as shall cure the dilution or breach of fiduciary duty which made the said shares watered shares; and if cancellation is impossible on the ground that such holder no longer retains the said number of shares, he shall be liable for such an amount in money as will fairly redress the injury to other shareholders occasioned by the said dilution or breach of fiduciary duty.

(c) The remedies in subsection (b) of this Section are cumulative, but any money recovery had thereunder shall be deemed to be additional consideration paid for the shares in question.

(d) In any action by the corporation to enforce rights under subsection (b) of this Section, the relief granted may include orders for the distribution of any recovery by the corporation to such creditors, shareholders, or former shareholders, as may have been damaged by the transaction upon which the action is based.

(e) Except in the case of watered shares, shareholders shall be subject to no assessment or liability thereon other than that arising from the unpaid balance, if any, of the agreed consideration, even if all the shares are owned by one person.

(f) Every original holder of watered shares or of shares not fully paid as agreed shall continue liable thereon to the corporation notwithstanding any transfer of such shares. A transferee of such shares shall not be liable thereon if he acquired them in good faith without knowledge or notice that they were watered shares or shares not fully paid as agreed or if he acquired them from a transferor similarly free from liability. The burden of proof that the transferee did not so acquire the shares shall be upon the adverse party.

(g) No pledgees or other holder of shares as collateral security and no executor, administrator, conservator, guardian, trustee, receiver or other fiduciary shall be personally liable as a holder of or subscriber for shares of a corporation except to the extent that the record of shares issued or

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subscribed in his name without indication of representative capacity may have induced reliance upon his personal responsibility with respect to watered or unpaid shares, but the estate or funds in the hands of such fiduciary shall be liable, as equity may require. Nothing herein shall relieve a fiduciary from liability for breach of trust.

(h) Nothing in this Section shall limit any liability that a shareholder may incur on general principles of law or equity arising from the creation or maintenance of an inadequately capitalized incorporated enterprise or other abuse of the privilege of achieving limited liability by incorporation.

Sec. 55-54. Liability of shareholders for receiving unlawful payments.—Any shareholder who receives any redemptive or purchase price upon the redemption or purchase by a corporation of its shares or who receives any dividend or other withdrawal or distribution from the corporation, either at a time when the corporation is or thereby will be rendered unable to meet its obligations as they mature in the ordinary course of business, or when the shareholder has knowledge that such receipt diminishes assets of the corporation contrary to the provisions of this Chapter, shall be liable to the corporation for the amount so received, including the amount of any obligation to the corporation thereby released, but this liability is subject to the same limitation as to time and amount as is contained in subsection (d) and (m) of G. S. 55-32 with respect to the liability of directors. Any number of shareholders may be sued in the same action.

Sec. 55-55. Omitted.

Sec. 55-56. Pre-emptive rights.—(a) The charter may enlarge, limit or deny what would otherwise be the pre-emptive rights of shareholders.

(b) Except as otherwise provided in the charter or in this Section, the holders of shares of any class, except shares which are limited as to dividends and liquidation rights, shall have the right, in case of the proposed sale by the corporation for cash of additional shares of the same class as those held by them, to purchase the additional shares in proportion to their then respective holdings at a price substantially no less favorable than the price at which such shares are to be offered to others. Such holders shall have a similar right in case of the granting by the corporation of any option to purchase its shares of the class held by such holders or in case of a proposed sale by the corporation for cash of any securities convertible into or carrying an option to purchase shares of the class held by such holders. Such right exists irrespective of whether the shares to be sold by the corporation are shares authorized in the articles of incorporation as originally filed or are treasury shares or other shares. Nothing herein is meant to give a shareholder the pre-emptive right to buy shares at a price determined by their par value.

(c) Unless otherwise stated in the charter, there shall be no pre-emptive rights with respect to:

(1) Shares issued or to be issued to obtain all or a portion of the capital required to initiate the enterprise, or

(2) Shares issued or to be issued for considerations, other than money,

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deemed by the board of directors in good faith to be advantageous to the corporation's business, or

(3) Shares released from pre-emptive rights by vote of two-thirds of the shares entitled to such pre-emptive rights, or

(4) Shares sold or agreed to be sold to employees or options for shares granted to employees as provided in G. S. 55-45, or

(5) Shares issued or to be issued as a share dividend, or

(6) Shares issued or to be issued to satisfy conversion rights or option rights theretofore granted by the corporation.

(d) Holders of bonds, notes, debentures or other obligations convertible into shares and holders of shares convertible into shares of another class shall have no pre-emptive rights in shares into which they are convertible unless expressly granted in the charter or in the contract with said holders.

(e) The issuance of shares that are not subject to pre-emptive rights shall not impair any remedy which any shareholder may have for a breach of fiduciary duties on the part of the board of directors with respect thereto. The remedy may include the granting of such pre-emptive rights or the cancellation of such a number of shares or the compulsory issuance by the corporation of such a number of shares, or the allowance of such amount of money damages as the court may order.

(f) The issue or sale by a corporation of shares carrying voting rights does not of itself confer pre-emptive rights upon shareholders whose voting powers are relatively diminished thereby but the issue or sale of such shares for the purpose of creating in a group or combination of shareholders the power to elect a majority of the board of directors is a breach of fiduciary duty within subsection (e) of this Section.

Sec. 55-57. Share certificates.—(a) No certificate shall be issued for any share until such share is fully paid.

(b) Every shareholder of a corporation shall be entitled to a certificate or certificates for the fully paid shares owned by him. Each certificate shall be signed by the president or a vice president of the corporation and by its treasurer, assistant treasurer, secretary or an assistant secretary, or its cashier or an assistant cashier in case of a bank, and may be sealed with the seal of the corporation or a facsimile thereof. The signatures of any such officers upon a certificate may be facsimiles or may be engraved or printed or omitted if the certificate is countersigned by a transfer agent, or registered by a registrar, other than the corporation itself or an employee of the corporation. In case any officer who has signed or whose facsimile or other signature has been placed upon such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer at the date of its issue.

(c) Every share certificate issued by a corporation which is authorized to issue shares for more than one class shall state upon the face or back thereof, in full or in the form of a summary, all of the designations, prefer-

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ences, limitations, and relative rights, so far as the same have at that time been fixed and determined, of the shares of each class, and of the variations therein between any series of any class, authorized to be issued; and to the extent that the same shall not at that time have been fixed and determined, such share certificate shall state the authority of the shareholders or of the board of directors, as the case may be, to fix and determine the same. In lieu of such statement, however, the certificate may state upon the face or back thereof the designation of each class of shares having preferences or special rights in the payment of dividends, in voting, upon liquidation or otherwise and such other information concerning such shares as may be desired and shall state that the corporation will upon request furnish any shareholder, without charge, information as to the number of such shares authorized and outstanding and a copy of the portions of the charter or resolutions containing the designations, preferences, limitations and relative rights of all shares and any series thereof. When so requested, the corporation shall promptly so furnish the said information and copy.

(d) Each share certificate shall also state upon the face thereof:

(1) That the corporation is organized under the laws of this State.

(2) The name of the person to whom issued.

(3) The number and class of shares, and the designation of the series, if any, which such certificate represents.

(4) The par value of each share represented by such certificate, or a statement that the shares are without par value.

(e) The board of directors may authorize the issuance of a new share certificate in place of a certificate claimed to have been lost or destroyed without requiring a bond if in the judgment of the directors the circumstances justify omission of a bond, and they shall incur no liability for taking such action in good faith.

Sec. 55-58. Issuance of fractional share certificates or script.—A corporation may, but shall not be obliged to, issue a certificate for a fractional share, and, by action of its board of directors, may issue in lieu thereof script in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such script aggregating a full share. A certificate for a fractional share shall, but script shall not unless otherwise provided therein, entitle the holder to exercise proportionate voting rights, to receive dividends thereon, and to participate in any of the assets of the corporation in the event of liquidation. The board of directors may cause such script to be issued subject to the express condition therein that, if not exchanged for certificates representing full shares before a specified date, the shares for which such script is exchangeable may thereupon be sold by the corporation to others, in such fair manner as may be provided therein, or may promptly be purchased by the corporation at the book value as determined upon the aforesaid date, and in either event the proceeds thereof paid to the holders of such script.

Sec. 55-59. Recognition of acts of record owners of shares or other

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securities.—(a) A corporation may, subject to the further provisions of this Section, treat as absolute owner of shares or other securities the person in whose name the shares or other securities stand of record on its books, just as if that person had full competency, capacity and authority to exercise all rights of ownership, irrespective of (1) any knowledge or notice to the contrary or (2) any description indicating a representative, pledge or other fiduciary relation or any reference to any other instrument or to the rights of any other person appearing upon its records or upon the share certificate or other security.

(b) Notwithstanding the provisions of subsection (a) of this Section, a corporation shall treat a person as if he were a holder of record of its shares or other securities if that person shall furnish to the corporation proof of his appointment as:

(1) An executor under the last will of a deceased holder of record of its shares or other securities; or

(2) An administrator or collector of the estate of such holder; or

(3) A guardian, committee, trustee or conservator of the estate of a ward, incompetent, or missing person who is a holder of record of its shares or other securities; or

(4) A trustee in bankruptcy of such a holder; or

(5) A statutory or judicial receiver or liquidator of the estate or affairs of such a holder.

(c) When and as any fiduciary other than one described in subsection (b) of this Section shall furnish proof satisfactory to the corporation of his authority to exercise any rights with respect to shares or other securities of the corporation which do not stand of record in his name, the corporation may treat such fiduciary as entitled to exercise such rights.

(d) When one or more fiduciaries shall claim to be entitled to the same rights with respect to the same shares or securities, the corporation may refuse to treat any of them as entitled to such rights unless and until proof, satisfactory to it, shall be furnished as to which of such fiduciaries is entitled to the rights in question.

(e) A corporation may treat as absolute owner of shares or other securities the survivor or survivors of persons to whom the same have been or may be issued with the words "as joint tenants", "as joint tenants with right of survivorship" or "as joint tenants with right of survivorship and not as tenants in common" following their names, upon the death of one or more of such persons.

(f) A corporation shall incur no liability to any person by the exercise of any privilege to which it is entitled by this Section, nor shall any of its rights be thereby impaired nor shall any of its acts or any corporate meeting be thereby invalidated.

(g) The corporation shall not be obligated to inquire into the existence of, or see to the performance or observance of, any duty or obligation to a third person by a holder of record of any of its shares or other securities

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or by anyone who it treats, as permitted or required by this Section, as the absolute owner thereof.

(h) When in accordance with any of the provisions of this Section the corporation shall have treated a minor as entitled to exercise any rights of ownership in its shares or other securities, no subsequent disaffirmance or avoidance shall be effective as against the corporation.

(i) The rights, privileges and immunities afforded to the corporation in this Section shall extend also to each transfer agent and to each registrar of its shares or other securities, to its voting inspectors and to all agents of the corporation concerned with the exercise of any rights by any of its shareholders or security holders.

(j) Nothing herein shall enlarge or affect the competency, authority, rights or obligations of any holder of record with respect to any other person than the corporation and its representatives described in the preceding subsection.

(k) Nothing herein shall relieve a corporation from any liability which it otherwise would have for breach by it of a contract to which it is a party or for violation of lawful provisions in its charter or bylaws or for participating in bad faith with a fiduciary in breach of trust.

(l) Nothing herein shall impair the duty of a corporation to abide by any valid judgment or decree or court order terminating or restricting the competency, capacity, authority or rights of ownership of any holder of record of shares or other securities or of a fiduciary thereof if and after a certified copy of that judgment, decree or court order is filed with the corporation or if that judgment, decree or order is rendered in a proceeding to which the corporation is a party.

Sec. 55-60. Closing of transfer books and fixing record date.—(a) For the purpose of determining shareholders entitled to notice of or to vote at any meeting of shareholders or any adjournment thereof, or entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the board of directors of a corporation may provide that the stock transfer books shall be closed for a stated period but not to exceed, in any case, fifty days. If the stock transfer books shall be closed for the purpose of determining shareholders entitled to notice of or to vote at a meeting of shareholders, such books shall be closed for at least ten full days immediately preceding the date of such meeting.

(b) In lieu of closing the stock transfer books, the bylaws, or in the absence of an applicable bylaw, the board of directors may fix in advance a date as the record date for any such determination of shareholders, such date in any case to be not more than fifty days and, in case of a meeting of shareholders, not less than ten full days immediately preceding the date on which the particular action, requiring such determination of shareholders, is to be taken.

(c) If the stock transfer books are not closed and no record date is fixed for the determination of shareholders entitled to notice of or to vote

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at a meeting or of shareholders entitled to receive payment of a dividend, the date on which notice of the meeting is mailed or the date on which the resolution of the board of directors declaring such dividend is adopted, as the case may be, shall be the record date for such determination of shareholders.

(d) When a determination of shareholders entitled to vote at any meeting of shareholders has been made as provided in this Section, such determination shall apply to any adjournment thereof regardless of its length except where the determination has been made through the closing of the stock transfer books and the stated period of closing has expired.

Sec. 55-61. Meetings of shareholders.—(a) Meetings of shareholders may be held at such place, either within or without this State, as may be provided in the bylaws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation.

(b) An annual meeting of the shareholders shall be held at such time as may be provided in the bylaws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation or affect otherwise valid corporate acts. Upon such failure, whether from lack of quorum or otherwise, a substitute annual meeting may be called in accordance with the provisions of subsection (c) of this Section and any meeting so called may be designated as the annual meeting, or the Judge of the Superior Court of the county where the corporation has its registered office may, upon the application of any shareholder, order a substitute meeting to be held as and for the annual meeting, and may fix the date therefor, fix the record date for determination of the shareholders entitled to vote thereat, and cause notice of the meeting to be given to said shareholders, in such manner as he may order, at the expense of the corporation. At such meeting the shares of stock there represented either in person or by proxy, shall constitute a quorum for the purpose of such meeting, notwithstanding the provisions of any other Section of this Chapter or any provision of the bylaws or charter to the contrary.

(c) Special meetings of the shareholders may be called by the president or the board of directors or such other officers or persons as may be provided in the charter or the bylaws or, at the written request of the holders of not less than one-tenth of all the shares entitled to vote at the meeting, by any shareholder. When the meeting is thus called by a shareholder the call shall recite that it is made pursuant to the required request, but failure so to recite shall not invalidate an otherwise valid meeting.

(d) Any matter relating to the affairs of the corporation may be brought up for action at an annual meeting of shareholders even though the matter was not specifically stated in the notice of the meeting unless it is a matter other than election of directors, on which the vote of shareholders is expressly required by the provisions of this Chapter.

Sec. 55-62. Notice of shareholders' meetings.—(a) Written or printed

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notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting, either personally or by mail, by or at the direction of the president, the secretary, or the officer or persons calling the meeting, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the shareholder at his address as it appears on the record of shareholders of the corporation, with postage thereon prepaid.

(b) If not less than seven days prior to the date of any forthcoming meeting of shareholders a shareholder mails to the shareholders entitled to vote at that meeting, or if not less than three days prior to said date he delivers to them personally, a written notice of his intention to bring before the meeting any specific proposal, that proposal shall be considered and acted upon at that meeting. The officers of the corporation shall under the penalties of G. S. 55-38, make immediately available to a shareholder seeking to avail himself of this subsection who so requests the voting list prescribed by G. S. 55-64.

(c) When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. When a meeting is adjourned for less than 30 days in any one adjournment it is not necessary, unless the bylaws provide otherwise, to give any notice of the time and place of the adjourned meeting or of the business to be transacted thereat other than by announcement at the meeting at which the adjournment is taken.

Sec. 55-63. Irregular meetings; action without meetings.—(a) The transactions of any meeting of shareholders, however called and with whatever notice, if any, are as valid as though had at a meeting duly held after regular call and notice, if:

(1) All the shareholders entitled to vote are present in person or by proxy and no objection to holding the meeting is made by any shareholder, or if

(2) A quorum is present either in person or by proxy and no objection to holding the meeting is made by anyone so present, and if, either before or after the meeting, each of the persons entitled to vote, not present in person or by proxy, signs a written waiver of notice, or a consent to the holding of the meeting, or an approval of the action taken as shown by the minutes thereof. All such waivers, consents, or approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

(b) The absence from the minutes of any indication that a shareholder objected to holding the meeting shall prima facie establish that no such objection was made.

(c) Any action which, under any provision of this Chapter, may be taken at a meeting of the shareholders, may be taken without a meeting if consent in writing, setting forth the action so taken, shall be signed by

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all of the persons who would be entitled to vote upon such action at a meeting and filed with the secretary of the corporation as part of the corporate records. Such consent shall have the same force and effect as a unanimous vote of shareholders, and may be stated as such in any certificate or document filed with the Secretary of State under this Chapter.

Sec. 55-64. Voting list.—(a) The officer or agent having charge of the record of shareholders of a corporation shall make, at least ten days before each meeting of shareholders, a complete list of the shareholders entitled to vote at such meeting or any adjournment thereof, arranged in alphabetical order, with the address of and the number of shares held by each, which list, for a period of ten days prior to such meeting, shall be kept on file at the registered office of the corporation and shall be subject to inspection by any shareholder at any time during usual business hours. Such list shall also be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any shareholder during the whole time of the meeting. The record of shareholders required to be kept by subsection (c) of G. S. 55-37 shall be prima facie evidence as to who are the shareholders entitled to examine such list or the record of shareholders or to vote at any meeting of shareholders.

(b) Failure to comply with the requirements of this Section shall not affect the validity of any action taken at such meeting.

(c) An officer or agent having charge of the record of shareholders who shall fail to prepare the list of shareholders, or keep the same on file for a period of ten days, or produce and keep it open for inspection at the meeting, as provided in this Section, shall be liable to any shareholder suffering damage on account of such failure, to the extent of such damage, provided such shareholder has made written request therefor at least twenty (20) days prior to such meeting.

(d) Notwithstanding the foregoing provisions of this Section, it shall not be necessary to prepare or produce a list of shareholders in any case where the record of shareholders actually presented readily shows, in alphabetical order or by alphabetical index, and by classes or series if such there be, the names of the shareholders entitled to vote, with their address and the amount of their holdings.

Sec. 55-65. Quorum of shareholders.—(a) Unless otherwise provided in this Chapter or in the charter or in bylaws adopted by the shareholders, a majority of the shares entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders, but in no event shall a quorum consist of less than one-third of the outstanding shares entitled to vote.

(b) Shares shall not be counted to make up a quorum for a meeting if voting of them at the meeting has been enjoined or for any reason they cannot be lawfully voted.

(c) The shareholders at a meeting at which a quorum is present may continue to do business until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum.

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(d) In the absence of a quorum at the opening of any meeting of shareholders, such meeting may be adjourned from time to time by the vote of a majority of the shares voting on the motion to adjourn, but no other business may be transacted until and unless a quorum is present.

Sec. 55-66. Votes required.—(a) A majority of the shares voted at a meeting of shareholders, duly held and at which a quorum is present, shall be sufficient to take or authorize action upon any matter which may properly come before the meeting, unless more than a majority is required by this Chapter or by the charter or by bylaws adopted by the shareholders.

(b) Except where other provisions of this Chapter expressly make this subsection inapplicable, any corporation may by its charter require for any purpose the concurrence of a greater proportion of the votes of any class or classes of shares than required by this Chapter for such purpose.

Sec. 55-67. Voting of shares.—(a) Each outstanding share, regardless of class, shall be entitled to one vote on each matter submitted to a vote at a meeting of shareholders, except as otherwise lawfully provided in the charter and except as otherwise prescribed by subsection (b) of this Section. Except as otherwise stated in the charter or in the subscription agreement, shares shall be entitled to full vote notwithstanding that they have not been fully paid. No shares shall be voted upon which an installmen of the purchase price due to the corporation is past due and unpaid.

(b) Shares of its own stock owned by a corporation, directly or indirectly, through a subsidiary corporation or otherwise, or held directly or indirectly in a fiduciary capacity by it or by a subsidiary corporation, shall not be voted at any meeting and shall not be counted in determining the total number of outstanding shares at a given time.

(c) At each election for directors every shareholder entitled to vote at such election shall have the right to vote, in person or by proxy, the number of shares standing of record in his name for as many persons as there are directors to be elected and for whose election he has a right to vote, or to cumulate his votes by giving one candidate as many votes as the number of such directors multiplied by the number of his shares shall equal, or by distributing such votes on the same principle among any number of such candidates. This right of cumulative voting shall not be exercised unless some shareholder or proxy holder announces in open meeting, before the voting for directors starts, his intention so to vote cumulatively; and if such announcement is made, the chair shall declare that all shares entitled to vote have the right to vote cumulatively and shall thereupon grant a recess of not less than one hour nor more than four hours, as he shall determine, or of such other period of time as is unanimously then agreed upon. Stockholders in any corporation now in existence under a charter which does not grant the right of cumulative voting may not exercise this right of cumulative voting when at the time of election the stock transfer book of such corporation discloses, or it

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otherwise appears, that there is no stockholder who owns or controls more than one-fourth of the voting stock of such corporation.

Sec. 55-68. Proxies.—(a) Shares may be voted either in person or by one or more agents authorized by a written proxy executed by the shareholder or by his duly authorized attorney in fact. A telegram, cablegram, wireless message or photogram appearing to have been transmitted by a shareholder, or a photographic, photostatic or equivalent reproduction of a writing appointing one or more agents shall be deemed a written proxy within the meaning of this Section.

(b) A proxy is not valid after the expiration of eleven months from the date of its execution unless the person executing it specifies therein the length of time for which it is to continue in force, or limits its use to a particular meeting, but no proxy, whether or not coupled with an interest or otherwise irrevocable by law, shall be valid after 10 years from the date of its execution.

(c) Any proxy duly executed is not revoked, and continues in full force and effect, until an instrument revoking it, or a duly executed proxy bearing a later date, is filed with the secretary of the corporation. A proxy is not revoked by the death or incapacity of the maker unless, before the vote is counted or the authority is exercised, written notice of the death or incapacity is given to the corporation. Notwithstanding that a valid proxy is outstanding the powers of the proxy holder are suspended, except in the case of a valid proxy which is by law irrevocable and which states on its face that it is irrevocable, if the person executing the proxy is present at the meeting and elects to vote in person.

(d) If a proxy for the same shares confers authority upon two or more persons and does not otherwise provide, a majority of them present at the meeting, or if only one is present then that one, may exercise all the powers conferred by the proxy; but if the proxy holders present at the meeting are divided as to the right and manner of voting in any particular case and there is no majority, the voting of said shares shall be prorated.

(e) Unless a proxy otherwise provides, any proxy holder may appoint in writing a substitute to act in his place.

Sec. 55-69. Voting by corporations, pledgees, life tenants, fiduciaries and co-owners.—(a) The president, any vice president, the secretary or the treasurer of a domestic corporation holding shares of another corporation, domestic or foreign, and any such officer or the cashier or any trust officer of a banking or trust corporation holding shares of another corporation, domestic or foreign, and any like officer of a foreign corporation holding shares of a domestic corporation, shall be deemed by the corporation issuing such shares to have authority to vote such shares and to execute proxies and written waivers and consents in relation thereto, whether such shares are held in a fiduciary capacity or otherwise, unless before a vote is taken or a waiver or consent is acted upon it is made to appear by a certified copy of the bylaws or resolution of the board of

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directors or executive committee of the corporation holding such shares that such authority does not exist or is vested in some other officer or person. In the absence of such certification or of an instrument executed in accordance with G. S. 55-36(a), a person executing any such proxies, waivers or consents or presenting himself at a meeting as one of such officers of a domestic or foreign corporation shall for the purposes of this Section be prima facie deemed to be duly elected, qualified and acting as such officer and to be fully authorized, and in case of conflicting representation, the corporate shareholder shall be deemed represented by its senior officer, in the order first stated in this Section.

(b) A shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so long as they stand of record in his name.

(c) If shares stand of record in the name of a person as life tenant, the corporation may treat such person as entitled to vote or represent such shares as if he were absolute owner, unless the record itself shows that he is not entitled to vote or unless G. S. 55-59(1) is applicable.

(d) A fiduciary may, in person or by proxy, vote and execute waivers, consents or objections in respect of shares standing of record in his name, and a proxy executed by a fiduciary may confer general or discretionary power.

(e) Any fiduciary described in G. S. 55-59 (b), upon satisfactory proof of his appointment and qualification, and any other fiduciary upon satisfactory proof to the corporation of his actual authority to vote, may vote or execute waivers, consents or objections with respect to any shares of a corporation even if the shares stand of record in the name of the person for whom he is such fiduciary, but nothing herein is meant to curtail the privileges and immunities to which a corporation is entitled under G. S. 55-59.

(f) If shares stand of record in the names of two or more persons, whether fiduciaries, joint tenants, tenants in common, tenants in partnership, or otherwise, or if two or more persons shall have the same fiduciary relationship respecting the same shares, then unless the instrument or order appointing them or creating the tenancy otherwise directs and it or a copy thereof is filed with the secretary of the corporation, their acts with respect to voting shall have the following effect:

(1) If only one votes, in person or by proxy, his act binds all;

(2) If more than one vote, in person or by proxy, the act of the majority so voting binds all;

(3) If more than one vote in person or by proxy but the vote is evenly split on any particular matter, each faction is entitled to vote the shares in question proportionally.

If the instrument so filed shows that any such tenancy is held in unequal interests, a majority or even-split for the purpose of this subsection shall be a majority or even-split in interest.

(g) The principle of the preceding subsection shall apply, insofar as

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possible, to execution of proxies, waivers, consents or objections and for the purpose of ascertaining the presence of a quorum.

Sec. 55-70. Voting inspectors.—(a) Unless the charter or the bylaws otherwise provide, the board of directors in advance of any meeting of shareholders may appoint one or three voting inspectors to act at any such meeting or adjournment thereof, and in the absence of such appointment the officer or person acting as chairman of the meeting may, and shall if so requested by any shareholder or proxy holder, make such appointment. Any vacancy, whether from refusal to act or otherwise, may be filled by appointment of the chairman. If there are three inspectors, the decision or certificate of any two shall be effective as the act of all.

(b) The voting inspectors shall determine the number of shares outstanding, the voting power of each, the shares represented at the meeting, the existence of a quorum, the authenticity, validity and effect of proxies, receive votes, ballots, assents or consents, hear and determine all challenges and questions in any way arising in connection with the vote, count and tabulate all votes, assents and consents, determine and announce the result, and do such acts as may be proper to conduct the election or vote with fairness to all shareholders.

(c) On request, the inspectors shall make a report in writing of any challenge, question or matter determined by them and make and execute a certificate of any fact found by them.

(d) The certificate of the inspectors shall be prima facie evidence of the facts stated therein and of the vote as certified by them, unless overruled by a vote of a majority of the shares represented at the meeting, exclusive of the shares as to which there is a controversy.

Sec. 55-71. Proceeding to determine validity of election or appointment of directors or officers.—(a) Any shareholder or director of a domestic corporation may commence a summary proceeding in the Superior Court to determine any controversy with respect to any election or appointment of any director or officer of such corporation, and any shareholder or director of a foreign corporation authorized to transact business in this State shall have the same right with respect to any election held within this State.

(b) The proceeding shall be brought in the county in which the registered office of the corporation is located in this State.

(c) The proceeding shall be commenced by filing a verified petition in the Superior Court directed to the resident judge or any judge holding court in the district.

(d) The petition shall include:

(1) The name of the county and court in which the proceeding is brought, and the title of the proceeding, which shall include as respondents the corporation, the person or persons whose purported election or appointment is questioned, and any person other than the petitioner, whom the petitioner alleges to have been elected or appointed.

(2) A plain and concise statement of the facts constituting the

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grounds for contesting the validity of the election or appointment, and a prayer for the relief sought.

(e) Upon filing of the petition a notice to the respondents fixing a time and place for the hearing, which place may be anywhere in the district, shall be signed and issued by any petitioner or his counsel. No summons shall be necessary, but a copy of the notice and petition shall be served upon each respondent at least ten (10) days prior to the hearing. If it appears by the petition or separate affidavits to the satisfaction of the judge that the respondent to be served cannot, after due diligence, be found in the State, the judge shall, at the election of the petitioner, either:

(1) Make an order for service by publication and direct that one publication of a notice, which shall include the time and place of the hearing, and statement of the notice of the relief sought be made in a designated newspaper qualified for legal advertising pursuant to G. S. 1-597; or

(2) Make an order for service of the notice and a copy of the petition outside the State pursuant to G. S. 1-104.

In the cases in which service by publication is allowed, the notice and petition is deemed served at the expiration of seven (7) days from the date of the publication, and the party so served is then in court.

(f) Upon or after the filing of the petition and issuance of the notice the judge may, upon application, issue an interlocutory order restraining the directors or officers whose election or appointment is challenged from acting, and may make such other order as he may deem proper with respect to the directors or officers who shall hold the contested offices pending the determination of the matter in controversy.

(g) The petition shall be heard at the time and place fixed in the notice or at such later time or other place in the district as the judge may designate. The hearing may be in chambers and shall be heard upon affidavit or oral testimony or both, in the discretion of the judge.

(h) Upon completion of the hearing the judge, in determining the matter, may:

(1) Declare the result of the election or appointment in controversy;

(2) Order a new election or appointment and may include in such order provisions with respect to the directors or officers who shall hold the contested offices until a new election is held or appointment is made;

(3) Determine the respective voting rights of shareholders and of persons claiming to own shares.

(4) Direct such other relief as may be just and proper.

The order may be signed, either in or out of the district in which the hearing is held.

Sec. 55-72. Voting trust.—(a) Any number of shareholders of a corporation may, for any proper business purpose, create a voting trust, revocable or irrevocable, conferring upon a trustee or trustees the right to vote or otherwise represent their shares, for a period of not to exceed ten years, by entering into a written voting trust agreement specifying the terms and conditions of the voting trust, by depositing an executed copy

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of the agreement with the corporation at its registered office, and by transferring their shares to such trustee or trustees for the purposes of the agreement. Trust certificates shall be issued by the trustees for the shares so transferred. The said copy of the voting trust agreement so deposited with the corporation shall be subject to the absolute right of examination by any shareholder of the corporation, in person or by agent, or by any holder of a beneficial interest in the voting trust, either in person or by agent, at any reasonable time.

(b) Such trustee or trustees shall also cause to be kept a record of trust certificate holders similar to the record of shareholders required to be kept by corporations under this Chapter and such record shall be made available for inspection by trust certificate holders or by shareholders of the corporation who submit to the trustee or trustees satisfactory proof of their ownership of shares, all subject to the same terms, conditions, qualifications and penalties as are prescribed in G. S. 55-38 with respect to inspection by shareholders of the record of shareholders. The holder of a trust certificate shall be considered to be a shareholder of the shares represented by his trust certificate with respect to his right to inspect corporate books and records.

(c) Notwithstanding the provisions of this Section or of G. S. 55-59, the holders of record of the voting trust certificates shall have the same rights as if they were shareholders of record with respect to voting upon any amendment of the charter, amendment of the bylaws, reduction of stated capital, sale of the entire assets, merger, consolidation or dissolution. For this purpose the trustees, upon timely and adequate information and requests from the corporation, shall prepare and furnish the corporation with a list of the trust certificate holders, which shall conform substantially to the requirements of this Chapter relating to voting lists of shareholders, and the corporation shall send all proper notices, maintain and make available the said list for inspection and make all appropriate arrangements to permit the trust certificate holders to vote in person or by proxy at the meeting in question as if they were shareholders of record.

Sec. 55-73. Shareholders' agreements.—(a) An otherwise valid contract between two or more shareholders that the shares held by them shall be voted as a unit for the election of directors shall, if in writing and signed by the parties thereto, be valid and enforcible as between the parties thereto, but for not longer than ten years from the date of its execution. Nothing herein shall impair the privilege of the corporation to treat the shareholders of record as entitled to vote the shares standing in their names, as provided in G. S. 55-59 nor impair the power of a court to determine voting rights as provided in G. S. 55-71.

(b) Except in cases where the shares of the corporation are at the time or subsequently become generally traded in the markets maintained by securities dealers or brokers, no written agreement to which all of the shareholders have actually assented, whether embodied in the charter or bylaws or in any side agreement in writing and signed by all the parties

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thereto, and which relates to any phase of the affairs of the corporation, whether to the management of its business or division of its profits or otherwise, shall be invalid as between the parties thereto, on the ground that it is an attempt by the parties thereto to treat the corporation as if it were a partnership or to arrange their relationships in a manner that would be appropriate only between partners. Notwithstanding any other provision of this Section or of this Chapter, the provisions of G. S. 55-59(a) shall not apply to such an agreement. A transferee of shares covered by such agreement who acquires them with knowledge thereof is bound by its provisions.

(c) An agreement between all or less than all of the shareholders, whether solely between themselves or between one or more of them and a party who is not a shareholder, is not invalid, as between the parties thereto, on the ground that it so relates to the conduct of the affairs of the corporation as to interfere with the discretion of the board of directors, but the making of such an agreement shall impose upon the shareholders who are parties thereto the liability for managerial acts that is imposed by this Chapter upon directors.

Sec. 55-74. Omitted.

ARTICLE 7. Uniform Stock Transfer Act.

ARTICLE 8. Fundamental Changes.

Sec. 55-99. Right to amend charter.—(a) Subject to the limitations set forth in G. S. 55-100, 55-101 and 55-103, a corporation may amend its charter at any time in any respect that may be desired, but no amendment shall contain provisions which would be forbidden in original articles of incorporation. No inference shall be drawn from the broad power of amendment conferred by this Chapter that the exercise of that power in a particular case is fair and equitable.

(b) In particular, and without limitation upon the foregoing general power of amendment, a corporation may amend its charter from time to time, so as:

(1) To change its corporate name.

(2) To change its period of duration.

(3) To change, enlarge or diminish its corporate purposes.

(4) To increase or decrease the aggregate number of shares, or shares of any class, which the corporation has authority to issue.

(5) To increase or decrease the par value of the authorized shares of any class having a par value, whether issued or unissued.

(6) To exchange, classify, reclassify or cancel all or any part of its shares, whether issued or unissued.

(7) To change the designation of all or any part of its shares, whether issued or unissued, and to change any rights, preferences or limitations in respect of all or any part of its shares, whether issued or unissued.

(8) To change shares having a par value, whether issued or unissued, into the same or a different number of shares without par value, and to

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change shares without par value, whether issued or unissued, into the same or a different number of shares having a par value.

(9) To change the shares of any class, whether issued or unissued, and whether with or without par value, into a different number of shares of the same class or into the same or a different number of shares, either with or without par value, of other classes.

(10) To create new classes of shares having rights and preferences either prior and superior or subordinate and inferior to the shares of any class then authorized, whether issued or unissued.

(11) To cancel or otherwise affect the right of the holders of the shares of any class with respect to accrued dividends or dividend credits as defined in this Chapter.

(12) To divide any preferred or special class of shares, whether issued or unissued, into series and fix and determine the designations of such series and the variations in the relative rights and preferences as between the shares of such series.

(13) To authorize the board of directors to establish, out of authorized but unissued shares, series of any preferred or special class of shares and fix and determine the relative rights and preferences of the shares of any series so established.

(14) To authorize the board of directors to fix and determine the relative rights and preferences of the authorized but unissued shares of series theretofore established in respect of which either the relative rights and preferences have not been fixed and determined or the relative rights and preferences theretofore fixed and determined are to be changed.

(15) To revoke, diminish, or enlarge the authority of the board of directors to establish series out of authorized but unissued shares of any preferred or special class and fix and determine the relative rights and preferences of the shares of any series so established.

(16) To limit, deny or grant to shareholders of any class the preemptive right to acquire additional or treasury shares of the corporation, whether then or thereafter authorized.

(c) Any amendment of the charter made pursuant to this Chapter extends to all rights theretofore existing under the charter as fully as if this Chapter, including such future changes therein as may be made, had been in effect at the time of the filing of the original articles of incorporation.

Sec. 55-100. Procedure to amend the charter.—(a) Before the issuance of any shares, including acceptance of any subscriptions for shares, amendments to the charter may be made, either by the directors named therein or by the incorporators, by preparing and delivering to the Secretary of State articles of amendment complying with the provisions of G. S. 55-103. If any such amendment makes a material change, non-assenting subscribers for shares are entitled to rescind their subscriptions.

(b) After the issuance of any shares, including acceptance of any

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subscription for shares, amendments to the charter shall be made in the following manner:

(1) The board of directors or the executive committee shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(2) Written or printed notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given in or with the notice of the meeting to each shareholder of record entitled to vote thereon. If the amendment would give rise to a dissenter's right of payment for his shares under this Chapter, such notice shall contain a statement, displayed with a resonable prominence, to the effect that dissenting shareholders are entitled, upon compliance with G. S. 55-113 including the twenty-day notice requirement to be paid the fair value of their shares as therein provided, but failure of the notice to contain such a statement shall not invalidate the amendment.

(3) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least a majority of all the outstanding shares entitled to vote thereon, unless any class of shares is entitled to vote thereon as a class, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least a majority of all the outstanding shares of each class of shares entitled to vote thereon as a class and a majority of all the other outstanding shares entitled to vote thereon. The charter may require more than the majority vote herein prescribed, either for all amendments or for a specific amendment, and any such requirement can itself be changed only by the greater vote so prescribed.

(4) There shall be prepared and delivered to the Secretary of State articles of amendment complying with the provisions of G. S. 55-103.

(c) Any number of amendments may be submitted to the shareholders, and voted upon by them, at one meeting.

(d) At any time before delivery of the articles of amendment to the Secretary of State the board of directors may, in their discretion, abandon an amendment if so empowered in the resolutions of the shareholders adopting the amendment.

Sec. 55-101. Class voting and objecting shareholders' rights on amendments.—(a) The holders of outstanding shares of a class shall be entitled as a class to vote, whether or not otherwise entitled to vote by the provisions of the charter, upon a proposed amendment which would:

(1) Cancel or otherwise affect their rights to accrued dividends or dividend credits as defined in this Chapter,

(2) Reduce the dividend preference thereof,

(3) Make non-cumulative, in whole or in part, the dividends thereof which had theretofore been cumulative,

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(4) Reduce the redemption price thereof or make them subject to redemption when they are not otherwise redeemable,

(5) Reduce any preferential amount payable thereon upon voluntary or involuntary liquidation,

(6) Eliminate, diminish, or alter adversely conversion rights pertaining thereto,

(7) Eliminate, diminish or alter adversely voting rights pertaining thereto, either directly or by increasing the relative voting rights per share of the shares of another class,

(8) Diminish or alter adversely any options or rights of the holders thereof to purchase other shares of the corporation,

(9) Change adversely any sinking fund provision relating thereto,

(10) Rearrange the preferences of such outstanding shares so as to make them subject to the preferences of other then authorized shares, issued or unissued, as to distribution by way of dividends or otherwise,

(11) Increase the rights and preferences of any other class of shares having equal or prior or superior rights or preferences, or

(12) Authorize a new class of shares having prior or superior rights or preferences.

(b) An objecting holder of shares entitled to any preference as to dividends or liquidation shall have the right to be paid the value of his shares in accordance with the provisions of G. S. 55-113 if:

(1) An amendment of the charter would effect the changes in his shares described in paragraphs (1), (2), (3), (4), or (5) of subsection (a) of this Section or would to his prejudice create or increase any priority, dividend preference, cumulative dividend right, redemption price or liquidation preference of any other then issued shares, or

(2) Pursuant to a plan of recapitalization involving an offer to shareholders of his class to exchange their shares, on which there are accrued dividends or dividend credits as defined in this Chapter, for a new class of shares having preferences as to dividends or liquidation prior to shares of his class, a currently adopted amendment would authorize the corporation to issue shares of such new class, and such plan of recapitalization is consummated.

Sec. 55-102. Offer of exchange of securities for preferred shares; rights of objecting sharesholders.—(a) If an offer is made by the corporation to holders of any class of its shares having accrued dividends or dividend credits, as defined in this Chapter, to exchange said shares for securities which would be entitled to preference in the receipt of any periodical payment or dividend over said shares, and if the authority of the corporation to issue such securities would require no amendment of the charter, and if the offer is accepted by any shareholder, then any holder of said shares who objects to the terms of the offer shall have the right to be paid the value of his shares in accordance with the provisions of G. S. 55-113.

(b) All such offers shall be in writing and shall contain the statement,

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displayed with reasonable prominence, to the effect that shareholders objecting to its terms are entitled, upon compliance with the provisions of G. S. 55-113, including the twenty-day notice requirement, to be paid the fair value of their shares as therein provided, but failure to set forth such a statement shall not invalidate any consummated exchanges.

Sec. 55-103. Articles of amendment.—(a) The articles of amendment, other than for an amendment under subsection (b) of this Section, shall be executed by the corporation and filed, as provided in G. S. 55-4 and shall set forth:

(1) The name of the corporation.

(2) The amendment so adopted.

(3) The date of the adoption of the amendment by the shareholders.

(4) The number of shares outstanding, and the number of shares entitled to vote thereon, and if the shares of any class are entitled to vote thereon as a class, the designation and number of outstanding shares entitled to vote thereon of each such class.

(5) The number of shares voted for and against such amendment, respectively, and, if the shares of any class are entitled to vote thereon as a class, the number of shares of each such class voted for and against such amendment, respectively.

(6) If such amendment provides for an exchange, reclassification or cancellation of issued shares, and if the manner in which the same shall be effected is not set forth in the amendment, then a statement of the manner in which the same shall be effected.

(7) If such amendment effects a change in the amount of stated capital of the corporation, then a statement of the manner in which the same is effected and a statement expressed in dollars, of the amount of stated capital as changed by such amendment. If the amendment would reduce the stated capital of the corporation, the articles may be entitled "Articles of Amendment and Reduction of Capital".

(8) Either, (a) a recital of the statement, if any, contained in the notice to shareholders in forming them, as and if required by G. S. 55-100(b)(2), of dissenter's rights to payment, or (b) a brief explanation of why the amendment does not give rise to dissenter's rights under G. S. 55-101(b).

(b) If the amendment is made by the directors or incorporators as permitted by subsection (a) of G. S. 55-100, the articles of amendment shall be executed by the directors or incorporators, as the case may be, and be filed, as provided in G. S. 55-4, and shall set forth the name of the corporation, the amendment so adopted, and the statement that the amendment is made by the directors or incorporators before the issuance of any shares.

Sec. 55-104. Effect of amendment.—No amendment shall affect any existing cause of action in favor of or against such corporation, or its officers or directors, or any pending suit to which such corporation or its officers or directors shall be a party, or the existing rights of persons

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other than shareholders; and, in the event the corporate name shall be changed by amendment, no suit brought by or against such corporation under its former name shall abate for that reason.

Sec. 55-105. Restated charter.—(a) At any time after its charter has been amended a corporation may by action of its board of directors, without necessity of vote of the shareholders, cause to be prepared a document entitled "Restated Charter", which shall integrate into one document its original articles of incorporation (or articles of consolidation) and all amendments thereto, including those effected by articles of merger, and any statement of classification of shares filed pursuant to G. S. 55-42 (e), except that:

(1) In lieu of the statement in the articles of incorporation regarding the minimum consideration to be received for its shares before commencing business, the restated charter shall set forth the then stated capital of the corporation;

(2) In lieu of the address of the initial registered office and the name of the initial registered agent, the restated charter shall state the address of the then registered office and the name of its then registered agent.

(b) The restated charter shall also set forth that it purports merely to restate but not to change the provisions of the original articles of incorporation as supplemented and amended and that there is no discrepancy, other than as expressly permitted by this Section, between the said provisions and the provisions of the restated charter.

(c) The restated charter shall be executed by the corporation and be filed as provided in G. S. 55-4.

(d) A copy of the restated charter certified by the Secretary of State shall be presumed, until otherwise shown, to be the full and true charter of the corporation as in effect on the date when so certified.

(e) A corporation may also integrate its articles of incorporation and all amendments thereto by the procedure provided in this Chapter for amending the charter.

Sec. 55-106. Procedure for merger.—(a) One or more domestic corporations may merge into another corporation pursuant to a plan of merger approved in the manner provided in this Chapter.

(b) The board of directors of each corporation shall, by resolution adopted by each such board, approve a plan of merger setting forth:

(1) The names of the corporation proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(2) The name which the surviving corporation is to have, which name may be that of any of the corporations involved in the merger or any other available name permitted by this Chapter.

(3) The terms and conditions of the proposed merger.

(4) The manner and basis of converting the shares of each merging corporation into shares or other securities or obligations of the surviving corporation.

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(5) A statement of any changes in the charter of the surviving corporation to be effected by such merger.

(6) Such other provisions not inconsistent with law as are deemed necessary or desirable.

Sec. 55-107. Procedure for consolidation.—(a) Any two or more domestic corporations may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this Chapter.

(b) The board of directors of each corporation shall, by resolution adopted by each such board, approve a plan of consolidation setting forth:

(1) The names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation. The name of the new corporation may be that of any of the corporations involved in the consolidation or any other available name permitted by this Chapter.

(2) The terms and conditions of the proposed consolidation.

(3) The manner and basis of converting the shares of each corporation into shares or other securities or obligations of the new corporation.

(4) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this Chapter, except the names and addresses of the incorporators.

(5) Such other provisions not inconsistent with law as are deemed necessary or desirable.

Sec. 55-108. Approval of merger or consolidation by shareholders.—(a) The board of directors of each corporation, upon approving such plan of merger or plan of consolidation, shall, by resolution, direct that the plan be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting. Written or printed notice shall be given to each shareholder of record, not less than twenty days before such meeting, in the manner provided in this Chapter for the giving of notice of meetings of shareholders, and shall state this as a purpose of the meeting, whether the meeting be annual or a special meeting. A copy or a summary of the plan of merger or plan of consolidation, as the case may be, shall be included in or enclosed with such notice. Such notice shall contain a statement, displayed with reasonable prominence, to the effect that dissenting shareholders are entitled, upon compliance with G. S. 55-113, including the twenty-day notice requirement, to be paid the fair value of their shares as provided in that Section, but failure of the notice to contain such a statement shall not invalidate the merger or consolidation.

(b) At each such meeting, a vote of the shareholders shall be taken on the proposed plan of merger or consolidation. Each outstanding share of each such corporation shall be entitled to vote on the proposed plan of merger or consolidation, whether or not such share otherwise has voting rights. The plan of merger or consolidation shall be approved upon receiving the affirmative vote of the holders of at least a majority of the outstanding shares of each such corporation, unless any class of shares of

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any such corporation is entitled to vote as a class thereon, in which event, as to such corporation, the plan of merger or consolidation shall be approved upon receiving the affirmative vote of the holders of at least a majority of the outstanding shares of each class of shares entitled to vote as a class thereon and a majority of all the other outstanding shares. Any class of shares of any such corporation shall be entitled to vote as a class if the plan of merger or consolidation, as the case may be, contains any provision which, if contained in a proposed amendment to the charter, would entitle such class of shares to vote as a class; and if the plan of merger or consolidation contains any provisions which, if contained in a proposed amendment to the charter of a constituent corporation, would require by the express provisions of said charter a greater vote of its shareholders than is herein otherwise required for approval of a merger or consolidation, the said plan requires the approval of the thus prescribed greater vote of the shareholders of that corporation.

(c) After such approval by a vote of the shareholders of each corporation, and at any time prior to the filing of the articles of merger or consolidation, the merger or consolidation may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger or consolidation.

Sec. 55-108.1. Merger of wholly-owned subsidiary into parent.—Unless otherwise provided in the charter or bylaws, no approval by shareholders of the surviving domestic corporation shall be required for a merger if at the time of approval of the plan of merger by the board of directors of each of the corporations, domestic or foreign, who are parties thereto, the surviving corporation is the owner of all the outstanding shares of the other corporation, or corporations, domestic or foreign, who are parties to the merger, and the plan of merger does not provide for any changes in the charter of, or the issuance of any shares by, the surviving corporation; and in such case the articles of merger shall contain statements showing compliance with the conditions of this Section, and, in lieu of statements relating to the vote of shareholders of the surviving corporation, need only state the approval by its board of directors.

Sec. 55-109. Articles of merger or of consolidation.—(a) After the approval by the shareholders as required by G. S. 55-108, articles of merger or of consolidation shall be executed by each corporation and be filed as provided in G. S. 55-4, except that a copy thereof certified by the Secretary of State shall also be recorded in the office of the Clerk of Superior Court of each county wherein the constituent corporations have their registered offices.

(b) The articles of merger or of consolidation shall set forth:

(1) The plan of merger or the plan of consolidation.

(2) As to each corporation, the number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class.

(3) As to each corporation, the number of shares voted for and against such plan, respectively, and, if the shares of any class are entitled to vote

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as a class, the number of shares of each such class voted for and against such plan, respectively.

(c) The time when the merger or consolidation is effected is determined by the provisions of G. S. 55-4.

Sec. 55-110. Effect of Merger or Consolidation.—(a) When such merger or consolidation has been effected:

(1) The several corporations parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation;

(2) The separate existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease;

(3) Such surviving or new corporation shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized under this Chapter.

(b) Such surviving or new corporation shall thereupon and thereafter, to the extent consistent with its charter as established or changed by the merger or consolidation, possess all the rights, privileges, immunities, and franchises, as well of a public as of a private nature, of each of the merging or consolidating corporations; and all property, real, personal and mixed, and all debts due on whatever account, and all other choses in action, and all and every other interest, of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

(c) Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities, obligations and penalties of each of the corporations so merged or consolidated; and any claim existing or action or proceeding, civil or criminal, pending by or against any such corporations may be prosecuted as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place; and any judgment rendered against any of the merged or consolidated corporations may be enforced against the surviving or new corporation. Neither the rights of creditors nor any liens upon the property of any merged or consolidated corporations shall be impaired by the merger or consolidation.

(d) In the case of a merger, the charter of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its charter are stated in the plan of merger. In the case of a consolidation, the articles of consolidation shall be deemed to be the articles of incorporation of the new corporation.

Sec. 55-111. Merger or Consolidation of Domestic and Foreign Corpora-

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tions.—(a) One or more foreign corporations and one or more domestic corporations may be merged or consolidated into a corporation of this State or of another state if such merger or consolidation is permitted by the laws of the state under which each such foreign corporation is organized.

(b) Each domestic corporation shall comply with the provisions of this Chapter with respect to the merger or consolidation, as the case may be, of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the state under which it is organized.

(c) If the surviving or new corporation, as the case may be, is a corporation of any state other than this State, it shall comply with the provisions of this Chapter with respect to foreign corporations if it is to transact business in this State; and if after the merger or consolidation it transacts no business in this State the courts of this State shall have jurisdiction in actions to enforce any obligation of any constituent corporation of this State and process therein may be served as provided in G. S. 55-145.

(d) The effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations, if the surviving or new corporation is to be a corporation of this State. If the surviving or new corporation is to be a corporation of any state other than this State, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except insofar as the laws of such other state provide otherwise.

(e) If the new or surviving corporation is not a corporation in this State, then notwithstanding anything in the foregoing provisions of this Section:

(1) The rights of any holder of shares in any constitutent corporation that is a corporation of this State to receive notice of dissenters' rights, to file his dissent, upon dissent to demand and receive payment of the fair value of his shares or to avail himself of any equitable relief to which he would be entitled if the surviving or new corporation were a corporation of this State shall not be impaired, and

(2) The courts of this State shall have jurisdiction in actions to enforce the aforesaid rights against the surviving or new corporation regardless of whether or not said corporation is otherwise subject to the jurisdiction of the courts of this State and in any such action service of process may be made in the manner provided in this Chapter that would be applicable if said corporation were transacting business in this State.

Sec. 55-112. Sale, Lease, Exchange and Mortgage of Assets.—(a) A mortgage of or other security interest in all or any part of the property of a corporation may be made by authority of the board of directors without authorization of the shareholders, unless otherwise provided in the charter or in bylaws adopted by the shareholders.

(b) Unless otherwise provided in the charter or in the bylaws adopted

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by the shareholders, a sale, lease or exchange of all or substantially all the property and assets of a corporation, not made for shares of the purchasing corporation, foreign or domestic, whether in a single transaction or a series of transactions, may be made by the board of directors without authorization from the shareholders if:

(1) In the judgment of the board of directors the corporation is in a failing condition and a sale for cash or its equivalent is deemed by them advisable in meeting the liabilities of the corporation, or

(2) The corporation was incorporated for the purpose of liquidating such property and assets, or

(3) The sale, lease or exchange is not made to terminate or dispose of the business in which the corporation was organized to engage, but merely as a transaction or one of a series of transactions, whether usual or unusual, to further the said business.

(c) Any other sale (whether for cash or for securities of the purchasing corporation or otherwise), or any other lease or exchange of all or substantially all the property of a corporation requires approval of the shareholders in the following manner:

(1) The board of directors shall adopt a resolution recommending such sale, lease or exchange and directing the submission thereof to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(2) Written notice shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this Chapter for the giving of notice of meetings of shareholders, and, whether the meeting be an annual or a special meeting, shall state that the purpose or one of the purposes of such meeting is to consider the proposed sale, lease or exchange. If the sale, lease or exchange would give rise to a dissenter's right of payment for his shares under this Chapter, such notice shall contain a statement, displayed with reasonable prominence, to the effect that the dissenting shareholders are entitled, upon compliance with G. S. 55-113, including the twenty-day notice requirement, to be paid the fair value of their shares as therein provided, but failure of the notice to contain such a statement shall not invalidate the sale, lease or exchange.

(3) At such meeting the shareholders may authorize such sale, lease or exchange and may fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Each outstanding share of the corporation shall be entitled to vote thereon, whether or not otherwise entitled to vote. Such authorization shall require the affirmative vote of at least two-thirds of the outstanding shares of the corporation, unless any class of shares is entitled to vote as a class thereon, in which event such authorization shall require the affirmative vote of at least two-thirds of the outstanding shares of each class of shares entitled to vote as a class thereon and two-thirds of all other outstanding shares. Any class of shares

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shall be entitled to vote as a class if the sale, lease or exchange is for securities of another corporation, foreign or domestic, and such sale, lease or exchange is part of a plan of distribution of such securities that would effectuate such changes in that class of shares as would entitle those shares to vote as a class if the changes were contained in a proposed amendment to the charter.

(d) The board of directors may, if so empowered by such authorization of the shareholders, abandon such sale, lease or exchange, subject to the rights of third parties under any contracts relating thereto, without further action or approval by shareholders.

Sec. 55-113. Rights of Objecting Shareholders upon Fundamental Changes and Certain Exchanges of Shares.—(a) As used in this Section:

(1) "Sale of assets for shares" means a sale, exchange or other disposition of all, or substantially all, the property and assets of a corporation, if made for, or substantially for, shares of another corporation, foreign or domestic.

(2) "Corporation" includes, if the context so indicates, the successor corporation which acquires the property of the predecessor corporation upon merger, consolidation or sale of assets for shares.

(3) With respect to offers of exchange of shares which entitle the preferred shareholders designated in G. S. 55-102 to rights under this Section, the term "effective date of the exchange" means the date on which the corporation first actually consummated such an exchange of shares or, in case it reserved the right to postpone the operation or effectiveness of all acceptances of its offer of exchange, the date on which it declared the acceptance operative or effective.

(b) Any shareholder designated in G. S. 55-101 (b) as having rights under this Section in connection with amendment of the charter or designated in G. S. 55-119 (b) as having rights under this Section in connection with dissolution and liquidation of assets in kind, or any shareholder of a corporation effecting a merger, consolidation or sale of assets for shares may give to the corporation, prior to or at the meeting of the shareholders to which the proposal of amendment, dissolution, merger, consolidation or sale of assets for shares is submitted to a vote, written notice that he objects to such proposal. Within twenty days after the date on which the vote was taken, such shareholder may, unless he voted in person or by proxy in favor of the proposal, make written demand on the corporation for payment of the fair value of his shares. Such demand shall state the number and class of shares owned by him. In addition to any other right he may have in law or equity, a shareholder giving such notice shall be entitled, if and when the amendment, dissolution, merger, consolidation or sale of assets for shares is effected, to be paid by the corporation the fair value of his shares, as of the day prior to the date on which the vote was taken, subject only to the surrender by him of the certificate representing his shares.

(c) Any holder of preferred shares designated in G. S. 55-102 as hav-

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ing a right to payment for his shares in connection with an offer of exchange of securities may, within twenty days after the date when the offer was mailed or otherwise reasonably dispatched to him, give to the corporation written notice that he objects to the terms of said offer of exchange and that he demands payment for his shares. Such notice shall state the number and class of shares owned by him. Twenty days after the effective date of the exchange or twenty days after the date of mailing or otherwise reasonably dispatching such notice, whichever date is later, a shareholder giving such notice shall, in addition to any other right he may have in law or equity, be entitled to be paid by the corporation the fair value of his shares as of the day preceding the mailing or otherwise reasonably dispatching of the notice, unless all exchange or agreements to exchange theretofore made shall have been rescinded within the applicable twenty-day period above mentioned, subject only to the surrender by him of his certificate representing his shares.

(d) If within thirty days after the date upon which the objecting shareholder becomes entitled to payment of his shares under subsections (b) and (c) of this Section the value of the shares is agreed upon between the shareholder and the corporation, payment therefor shall be made within sixty days after the agreement, upon surrender of the certificate representing the shares, whereupon the shareholder shall cease to have any interest in such shares or in the corporation.

(e) If within the thirty-day period mentioned in subsection (d) of this Section the shareholder and the corporation do not agree as to the value of the shares the shareholder may, within sixty days after the expiration of the thirty-day period, file a petition in Superior Court of the county of the registered office of the corporation asking for the appointment by the clerk of three qualified and disinterested appraisers to appraise the fair value of the shares. A summons as in other cases of special proceedings, together with a copy of the petition, shall be served on the corporation at least ten days prior to the hearing of the petition by the court. The award of the appraisers, or a majority of them, if no exceptions be filed thereto within ten days after the award shall have been filed in court, shall be confirmed by the court, and when confirmed shall be final and conclusive, and the shareholder upon depositing the proper share certificates in court, shall be entitled to judgment against the corporation for the appraised value thereof as of the date prescribed in this Section, together with interest thereon to the date of such confirmation. If either party files exceptions to such award within ten days after the award shall have been filed in court, the case shall be transferred to the civil issue docket of the Superior Court for trial during term and shall be there tried in the same manner, as near as may be practicable, as is provided in Chapter 40 for the trial of cases under the eminent domain law of this State, and with the same right of appeal to the Supreme Court as is permitted in said Chapter. The court shall assess the cost of said proceedings as it shall deem equitable. The fair value of any shares entitled to preference

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on liquidation shall in no event be found to be less than two-thirds of the amount of the preference to which said shares would have been entitled on a voluntary liquidation on the date herein prescribed for determining fair value if under the corporate change giving rise to the preferred shareholder's rights of payment any shares junior thereto retain a participation in the corporation without payment for such retention, or if the participation received by them upon any payment for such retention is found to exceed in value the amount of the said payment. Upon payment of the judgment the shareholder shall cease to have any interest in the shares or in the corporation and the corporation shall be entitled to have said share certificates surrendered to it by the clerk of court for cancellation. Unless the shareholder shall file such petition within the time herein prescribed, he and all persons claiming under him shall have no right of payment hereunder but in that event nothing herein shall impair his status as shareholder.

(f) If in the notices sent to shareholders in connection with the meeting to vote upon a proposed amendment of the charter, dissolution, merger, consolidation or sale of assets for shares or if in the offer of exchange of securities described in G. S. 55-102 no reference is made as required by this Chapter to the provisions of this Section, any shareholder entitled to but who did not avail himself of the provisions of this Section, unless he voted for the proposal or accepted the offer of exchange of securities, is entitled, if he so demands in writing within one year after the effective date of the amendment, dissolution, merger, consolidation, sale of assets for shares or exchange of securities in question, to recover from the corporation any damage which he suffered from failure of the corporation to make the aforesaid reference.

(g) The liability to pay for shares or to pay damages imposed by this Section on a corporation extends to the successor corporation which acquires the assets of the predecessor, whether by merger, consolidation or sale of assets for shares.

(h) Shares acquired by a corporation pursuant to payment of the agreed value thereof or to payment of the judgment entered therefor, as in this Section provided, may be held and disposed of by the corporation as in the case of other treasury shares.

(i) The provisions of this Section shall not apply to a merger if on the date of the filing of the articles of merger the surviving corporation is the owner of all the outstanding shares of the other corporation or corporations, domestic or foreign, participating in the merger and if such merger makes no changes in the relative rights of the shareholders of the surviving corporation.

ARTICLE 9. Dissolution and Liquidation.

Sec. 55-114. Dissolution and its effect.—(a) A corporation may be dissolved in any of the following ways:

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(1) Automatically by expiration of any period of duration to which the corporation is limited by its charter;

(2) By filing in the office of the Secretary of State articles of dissolution in voluntary proceedings for dissolution as prescribed in G. S. 55-116, 117, and 118;

(3) By entry of a decree of dissolution by the Superior Court in involuntary proceedings for dissolution by the Attorney General, as prescribed in G. S. 55-122, or in proceedings to liquidate the assets and business of the corporation, as described in G. S. 55-125, or in proceedings under G. S. 55-135.

(4) By suspension of its charter under the provisions of G. S. 105-230 when the time within which the corporation's rights might be restored under G. S. 105-232 has expired; however, the provisions for liquidation of corporate assets in such cases shall be those provided in G. S. 105-232 instead of those provided in this Chapter.

(b) A dissolved corporation, however dissolved, nevertheless continues to exist for the purpose of winding up its affairs, prosecuting and defending actions by or against it, and enabling it to collect and discharge obligations, dispose of and convey its property, and collect and distribute its assets, but not for the purpose of continuing business except so far as necessary for winding up its affairs or except where G. S. 55-115 applies. Title to property of a dissolved corporation does not by reason of dissolution vest in its shareholders.

(c) After the end of the tax year in which dissolution occurs a dissolved corporation is not subject to the annual franchise tax unless it engages in business activities not reasonably incidental to winding up its affairs.

(d) The dissolution of a corporation shall not take away or impair any remedy available to or against such corporation for any right or claim, not covered by subsection (f) of this Section, existing or for any liability incurred prior to such dissolution if the action or proceeding is commenced within two years after the filing of a certificate of completed liquidation, and the plaintiff or petitioner must allege and prove that the action or proceeding is commenced within such period. Nothing herein shall extend any applicable period of limitation. No action or proceeding, civil or criminal, to which a corporation is a party shall abate by reason of such dissolution or filing. Any action or proceeding by or against a dissolved corporation may be prosecuted or defended by the corporation in its corporate name, and such use of the corporate name is also available to a shareholder prosecuting or defending in a derivative capacity on behalf of a dissolved corporation.

(e) A corporation dissolved under this or any prior Act shall have the power to maintain, or to re-establish after failure to maintain, a board of directors and officers to wind up its affairs, and its shareholders, directors and officers shall have the power to take corporate action appropriate to that end.

(f) Even after the filing of a certificate of completed liquidation or the

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entry of a court order declaring liquidation completed, title to any corporate assets inadvertently omitted from a liquidation purportedly completed shall remain in the corporation and, for the purpose of administering or liquidating any such assets or determining the corporation's interest therein, the dissolved corporation shall have power to sue and defend in legal actions or proceedings and fully to act in its corporate name through either its board of directors and officers maintained or re-established as permitted in this Section or through a majority of the last board of directors then living, however reduced in numbers, acting either directly themselves or through the last officers of the corporation.

Sec. 55-115. Extension of Duration after Expiration.—(a) If a corporation has continued to conduct its business after the expiration of its charter, it may at any time amend its charter so as to extend or perpetuate its period of existence. Expiration of a charter does not of itself create any vested right on the part of any shareholder or creditor to prevent such charter amendment.

(b) No acts or contracts of a corporation during the period within which it could have extended its existence as permitted in this Section, whether or not it has taken action so to extend its existence, shall be in any degree invalidated by the expiration of the charter.

Sec. 55-116. Voluntary Dissolution by Directors.—(a) A corporation may be voluntarily dissolved by majority vote of the directors then in office in the following cases:

(1) When the corporation has not commenced business and has not received any payment on any subscription to its shares.

(2) When a corporation has been adjudged to be bankrupt.

(3) When a corporation has made a general assignment for the benefit of creditors.

(4) By leave of court, when a receiver has been appointed in any suit in which the affairs of the corporation are to be wound up.

(5) When substantially all of the assets have been sold at judicial sale or have been sold for the purpose of terminating the business of the corporation.

(b) To effectuate dissolution under this Section, articles of dissolution shall be executed by a majority of the directors then in office and shall be filed, in accordance with the provisions of G. S. 55-4, setting forth:

(1) The name of the corporation.

(2) The names and respective addresses of its officers, if any.

(3) The names and respective addresses of its directors.

(4) A statement showing one or more of the grounds of voluntary dissolution mentioned in paragraphs (1) to (5), inclusive, of subsection (a) of this Section.

(5) That a majority of the directors have determined by majority vote to dissolve the corporation.

Sec. 55-117. Voluntary Dissolution by Written Consent of Shareholders.—(a) A corporation may be voluntarily dissolved pursuant to the

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written consent of all of its shareholders. No meeting or notice of meeting is necessary. To effectuate such dissolution, articles of dissolution shall be executed by the corporation and shall be filed, in accordance with the provisions of G. S. 55-4, setting forth:

(1) The name of the corporation.

(2) The names and respective addresses of its officers.

(3) The names and respective addresses of its directors.

(4) A statement that written consent to the dissolution of the corporation has been signed by all shareholders of the corporation or signed in their names by their attorneys thereunto duly authorized, which statement shall have attached thereto such written consent duly signed.

Sec. 55-118. Voluntary Dissolution by Action of Directors and Shareholders.—(a) A corporation may be voluntarily dissolved by action of the directors and shareholders in the following manner:

(1) The board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(2) Written or printed notice shall be given to each shareholder of record within the time and in the manner provided in this Chapter for giving of notice of meeting of shareholders, and, whether the meeting be an annual or special meeting, shall state that the purpose or one of the purposes is to consider the advisability of dissolving the corporation. If the proposal to dissolve contemplates a plan of liquidation whereby substantially all the assets distributable to the shareholders are to be conveyed, transferred, or assigned to them collectively as co-owners, the notice shall so inform the shareholders and shall contain a statement displayed with reasonable prominence to the effect that dissenting shareholders are entitled, upon compliance with G. S. 55-113, to be paid the fair value of their shares as provided in that Section, but failure of the notice to contain such a statement shall not invalidate the dissolution.

(3) At such meeting a vote may be taken on any resolution to dissolve the corporation. Each outstanding share of the corporation shall be entitled to vote thereon, whether or not otherwise entitled to vote. Such resolution shall be adopted upon receiving the affirmative vote of at least two-thirds of the outstanding shares of the corporation, unless any class of shares is entitled to vote as a class thereon, in which event the resolution shall require for its adoption the affirmative vote of at least two-thirds of the outstanding shares of each class of shares entitled to vote as a class thereon and of two-thirds of the other outstanding shares.

(b) To effectuate such dissolution, articles of dissolution shall be executed by the corporation and shall be filed, in accordance with the provisions of G. S. 55-4, setting forth:

(1) The name of the corporation.

(2) The names and respective addresses of its officers.

(3) The names and respective addresses of its directors.

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(4) A copy of the resolution adopted by the shareholders authorizing the dissolution of the corporation.

(5) The number of shares outstanding, and, if the shares of any class are entitled to vote as a class, the designation and number of outstanding shares of each such class.

(6) The number of shares voted for and against the resolution, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class and of the other outstanding shares voted for and against the resolution, respectively.

Sec. 55-119. Procedure after Filing Articles of Dissolution.—(a) After the filing of articles of dissolution in the office of the Secretary of State, the corporation shall, except in case of dissolution under G. S. 55-116 (a) (2), (3) and (4), immediately cause notice of the dissolution to be mailed to each known creditor of the corporation, and to the Commissioner of Revenue, and such notice shall be published once a week for four successive weeks in a newspaper published in the county wherein the corporation has its registered office, and, if there be no newspaper published in such county, then in some newspaper of general circulation in such county. The corporation shall then proceed to collect its assets, convey and dispose of such of its properties as are not to be distributed in kind to its shareholders, pay, satisfy and discharge its liabilities and obligations and do all other acts required to liquidate its business and affairs, including the collection of unpaid subscriptions necessary to equalize the agreed payments by subscribers of its shares. After paying or adequately providing for the payment of all its obligations, the corporation shall distribute the remainder of its assets, either in cash or in kind, among its shareholders according to their respective rights and interests.

(b) If liquidation is effected by transfer of assets in kind to the shareholders collectively as co-owners, an objecting shareholder so demanding is entitled to be paid the fair value of his shares or damages in accordance with the provisions of G. S. 55-113.

Sec. 55-120. Revocation and Cancellation of Voluntary Dissolution Proceedings.—(a) At any time after the filing of articles of dissolution and prior to the filing of a certificate of completed liquidation, a dissolution effected under G. S. 55-116, G. S. 55-117 or G. S. 55-118 may be revoked by the filing of a statement of revocation of dissolution. The contents of such a statement and the proceedings taken so to revoke a dissolution shall conform with such adaptions as are appropriate to revocation to either (1) those prescribed in the Section under which the dissolution was effected, or (2) those prescribed in G. S. 55-117 or G. S. 55-118.

(b) Upon the filing of such statement of revocation of dissolution in the office of the Secretary of State, the revocation of the voluntary dissolution proceedings shall become effective and the corporation may again carry on business.

(c) If a dissolution has been effected by the filing of articles of dissolution containing false statements of facts which if truthfully stated would

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not have met the requirements of this Chapter for a dissolution, any shareholder may maintain an action to cancel the said articles of dissolution and to restore the charter of the corporation unless liquidation has theretofore proceeded so far as to make such cancellation and restoration impracticable. Such action shall be brought in the county in which the corporation has its registered office or its principal place of business. Upon the filing in the office of the Secretary of State of a decree of cancellation of said articles of dissolution, the corporation's charter and its right to do business thereunder shall be thereby restored.

Sec. 55-121. Completion of Liquidation in Voluntary Dissolution Proceedings.—(a) When all liabilities and obligations of a dissolved corporation have been paid and discharged, or adequate provision has been made therefor, and all of the remaining property and assets of the corporation have been distributed to its shareholders pursuant to G. S. 55-119, a Certificate of Completed Liquidation shall be executed by the corporation and shall be filed in accordance with the provisions of G. S. 55-4, setting forth:

(1) The name of the corporation.

(2) That articles of dissolution have theretofore been filed in the office of the Secretary of State, the date on which articles were filed, and that the dissolution thereby effected has not been revoked.

(3) That all liabilities and obligations of the corporation have been paid and discharged or that adequate provision has been made therefor.

(4) That the remaining property and assets of the corporation have been distributed among its shareholders in accordance with their respective rights and interests.

(b) Upon the filing of such certificate in the office of the Secretary of State in accordance with G. S. 55-4, the existence of the corporation shall cease except as otherwise provided in this Article.

(c) The Secretary of State shall not file the Certificate of Completed Liquidation until the receipt by him of a notice from the Commissioner of Revenue to the effect that such corporation has met the requirements with respect to reports and taxes required by the revenue laws of the State of North Carolina.

Sec. 55-122. Involuntary Dissolution in Action by Attorney General.—(a) A corporation may be dissolved involuntarily by a decree of the Superior Court in an action brought by the Attorney General in the name of the State when it is established that:

(1) The charter of the corporation was procured through fraud; or

(2) The corporation has without justification refused to comply with a final court order for the production of its books, records, or other documents as provided in G. S. 55-38; or

(3) The corporation has, after written notice by the Attorney General given at least twenty days prior thereto, continued to exceed or abuse the authority conferred upon it by law to the injury of the public or of its shareholders, creditors, or debtors; or

(4) The corporation has, after written notice by the Attorney General

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given at least twenty days prior thereto, failed for thirty days to meet the requirements of G. S. 55-13 with respect to appointing and maintaining a registered agent in this State; or

(5) The corporation has, after written notice by the Attorney General given at least twenty days prior thereto, failed for thirty days after change of its registered office or registered agent to file in the office of the Secretary of State the statement required by G. S. 55-14.

Sec. 55-123. Duties of the Attorney General with Respect to Actions for Involuntary Dissolution.—Whenever the Attorney General has reason to believe that any corporation has given cause for dissolution as provided in G. S. 58-122 and the case involves the public interest, it is the duty of the Attorney General to bring an action under that Section. If the cause for dissolution does not involve the public interest, the Attorney General has a duty to bring an action if satisfactory security is given to indemnify the State against the costs and expenses to be incurred thereby.

Sec. 55-124. Venue and Service of Process.—Every action by the Attorney General for the involuntary dissolution of a corporation shall be commenced in the Superior Court of the county in which the registered office of the corporation is situated. Summons shall issue and be served as in other civil actions.

Sec. 55-125. Power of Courts to Liquidate and Decree Involuntary Dissolution.—(a) The Superior Court shall have power to liquidate the assets and business of a corporation in an action by a shareholder when it is established that:

(1) The directors are deadlocked in the management of the corporate affairs and the shareholders are unable to break the deadlock, so that the business can no longer be conducted to the advantage of all the shareholders; or

(2) The shareholders are deadlocked in voting power and for that reason have been unable at two consecutive annual meetings to elect successors to directors whose terms had expired; or

(3) All of the present shareholders are parties to, or are transferees or subscribers of shares with actual notice of a written agreement, whether embodied in the charter or separate therefrom, entitling the complaining shareholder to liquidation or dissolution of the corporation at will or upon the occurrence of some event which has subsequently occurred; or

(4) Liquidation is reasonably necessary for the protection of the rights or interests of the complaining shareholder.

(b) The Superior Court shall have power to liquidate the assets and business of a corporation in an action by a creditor:

(1) When the claim of the creditor has been reduced to judgment and an execution thereon returned unsatisfied; or

(2) When the corporation admits in writing that the claim of the creditor is due and it is established that the corporation is unable to pay its debts in the ordinary course of business.

(c) A court that has undertaken the liquidation of the assets and

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business of a corporation under subsections (a) or (b) of this Section may at any time enter a decree dissolving the corporation, and shall upon application of any interested party enter an order declaring liquidation completed.

(d) Actions under this Section shall be brought in the county in which the corporation has its registered office or its principal place of business.

(e) Summons shall issue and be served on the corporation as in other civil actions, and it shall not be necessary to make shareholders parties to any such actions unless relief is sought against them personally.

(f) The Superior Court shall have power to liquidate the assets and business of a corporation when an action has been filed by the Attorney General to dissolve a corporation and it is established that liquidation of its assets and business should precede the entry of a decree of dissolution.

Sec. 55-126. Application for Liquidation by Court after Dissolution.—A corporation, at any time after voluntary dissolution and during the liquidation of its business and affairs, may make application to the Superior Court of the county in which the registered office or principal place of business of the corporation is situated to have the liquidation conducted or continued under the supervision of the court and, upon the granting of such application, the liquidation shall proceed as provided in this Chapter. Similar application may be made after liquidation has been purportedly completed in either voluntary or involuntary dissolution, when it subsequently appears that newly discovered or inadvertently omitted assets require liquidation, and if no director or appropriate officer makes such application, the application may be made by any creditor or any shareholder or any person having an interest in such liquidation, including the University of North Carolina.

Sec. 55-127. Procedure in Liquidation of Corporation by Court.—In an action to liquidate the assets and business of a corporation, the court shall appoint receivers and the receivers so appointed shall have such powers and duties as are provided in Article 38, Chapter 1 of the General Statutes of North Carolina.

Sec. 55-128. Discontinuance of Liquidation Action.—The liquidation of the assets and business of a corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists. In such event the court shall dismiss the action and direct the redelivery to the corporation of all its remaining property and assets, and shall decree cancellation of any prior dissolution.

Sec. 55-129. Duties of Officials as to Decrees and Orders concerning Dissolution.—A court decree effecting or canceling a dissolution of a corporation or a court order declaring liquidation completed shall contain a direction to the clerk of that court promptly to file one certified copy of such decree or order with the Secretary of State and also to file a certified copy thereof with the Clerk of the Superior Court of the county wherein the corporation has its registered office, unless the decree or order was

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entered in that court. The fees for the preparation, certificates, and filing of such decree or order shall be taxed as a part of the costs in the action.

Sec. 55-130. Disposition of Amounts Due to Unavailable Shareholders and Creditors.—Upon liquidation of a corporation, the portion of the assets distributable to a creditor or shareholder who is unknown or cannot be found, shall be reduced to cash and deposited with the Clerk of Superior Court of the county of the registered office of the corporation to be held three months for the persons respectively entitled thereto, as and when satisfactory evidence of their right to the same is furnished. After the clerk has held the unclaimed cash for the aforesaid period of three months, he shall pay such assets to the University of North Carolina, to be held without liability for profit or interest until a just claim therefor shall be preferred by the parties entitled thereto.

ARTICLE 10. Foreign Corporations.

Sec. 55-131. Right to Transact Business.—(a) A foreign corporation shall procure a certificate of authority from the Secretary of State before it shall transact business in this State. No foreign corporation shall be entitled to procure a certificate of authority under this Chapter to transact in this State any business which a corporation organized under this Chapter is not permitted to transact. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the state or country under which such corporation is organized governing its organization and internal affairs differ from the laws of this State.

(b) Without excluding other activities which may not constitute transacting business in this State, a foreign corporation shall not be considered to be transacting business in this State, for the purpose of this Chapter, by reason of carrying on in this State any one or more of the following activities:

(1) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.

(2) Holding meetings of its directors or shareholders or carrying on other activities concerning its internal affairs.

(3) Maintaining bank accounts or borrowing money in this State, with or without security, even if such borrowings are repeated and continuous transactions.

(4) Maintaining offices or agencies for the transfer, exchange, and registration of its securities, or appointing and maintaining trustees or depositaries with relation to its securities.

(5) Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where such orders require acceptance without this State before becoming binding contracts.

(6) Making or investing in loans with or without security including servicing of mortgages or deeds of trust through independent agencies within the State, the conducting of foreclosure proceedings and sale, the

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acquiring of property at foreclosure sale and the management and rental of such property for a reasonable time while liquidating its investment, provided no office or agency therefor is maintained in this State.

(7) Taking security for or collecting debts due to it or enforcing any rights in property securing the same.

(8) Transacting business in interstate commerce.

(9) Conducting an isolated transaction completed within a period of six months and not in the course of a number of repeated transactions of like nature.

(c) No part of this Section applies to insurance companies except subsection (b) (6).

Sec. 55-132. Powers of Foreign Corporation.—(a) A foreign corporation which shall have received a certificate of authority under this Chapter shall, until a certificate of revocation or of withdrawal shall have been issued as provided in this Chapter, enjoy the same, but not greater, rights and privileges as a domestic corporation organized for the purposes set forth in the application pursuant to which such certificate of authority is issued.

(b) A foreign corporation, however, is not eligible or entitled to qualify in this State as executor, administrator, or guardian, or as trustee under the will of any person domiciled in this State at the time of his death.

Sec. 55-133. Dismissal of Actions Against Foreign Corporations.—(a) No action in the courts of this State shall be dismissed solely on the ground that it involves the internal affairs of a foreign corporation but the court may in its discretion dismiss such an action if it appears that more adequate relief can be granted or that the convenience of the parties would be better served by an action brought in the jurisdiction of its incorporation or in the jurisdiction where the corporation has its executive or managerial headquarters or, because of the circumstances, in some other jurisdiction.

(b) Any action upon a cause of action not arising out of business transacted or activities performed in this State brought against a foreign corporation by a nonresident of this State may in the discretion of the court be dismissed if it appears that the convenience of the parties would be better served by an action brought in some other jurisdiction.

Sec. 55-134. Omitted.

Sec. 55-135. Omitted.

Sec. 55-136. Omitted.

Sec. 55-137. Corporate Name of Foreign Corporation.—(a) No certificate of authority shall be issued to a foreign corporation unless the corporate name of such corporation shall contain the wording "corporation," "incorporated," "limited," or "company," or shall contain an abbreviation of one of such words, or such corporation shall, for use in this State, add at the end of its name one of such words or an abbreviation thereof.

(b) The corporate name shall not contain any word or phrase which is likely to mislead the public or which indicates or implies that it is

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organized for any purpose other than one or more of the purposes contained in its charter.

(c) The corporate name shall not be the same as, or deceptively similar to, the name of any domestic corporation or any foreign corporation authorized to transact business in this State, whether for profit or not for profit, or a name the exclusive right to which is, at the time, reserved in the manner prescribed in G. S. 55-12.

(d) Whenever a foreign corporation which is authorized to transact business in this State shall change its name to one under which a certificate of authority would not be granted to it on application therefor, the certificate of authority of such corporation shall not be deemed to permit the use in its business in this State of the new name nor shall any new certificate of authority be granted to it under the new name.

Sec. 55-138. Application for Certificate of Authority.—(a) A foreign corporation, in order to procure a certificate of authority to transact business in this State, shall make application therefor to the Secretary of State, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation does not contain the word "corporation," "incorporated," "limited," or "company," or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this State.

(3) The date of incorporation and the period of duration of the corporation.

(4) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(5) The address of the proposed registered office of the corporation in this State, and the name of its proposed registered agent in this State at such address.

(6) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this State.

(7) The names and respective addresses of the directors and officers of the corporation.

(8) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(9) A statement of the aggregate number of issued shares itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(10) A statement that, in consideration of the issuance of a certificate of authority to transact business in this State, the corporation appoints the Secretary of State of North Carolina as its agent to receive service of process, notice, or demand whenever the corporation fails to appoint or maintain a registered agent in this State, or whenever any

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such registered agent cannot with reasonable diligence be found at the registered office.

(b) Such application shall be executed by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of its officers signing such application.

Sec. 55-139. Filing of Application for Certificate of Authority.—(a) The application of the corporation for a certificate of authority and one conformed copy thereof shall be delivered to the Secretary of State, together with one copy of its articles of incorporation and all amendments thereto, or where that is permitted by the laws of the place of its incorporation, one copy of its restated or integrated or consolidated charter, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated.

(b) If the Secretary of State finds that the application conforms to law he shall, when all taxes and fees have been tendered as in this Chapter prescribed:

(1) Endorse on each of such documents the word "filed" and the hour, day, month, and year of the filing thereof.

(2) File in his office the application and the copy of the articles of incorporation and amendments thereto or of one of the substitute documents mentioned in subsection (a) of this Section.

(3) Issue a certificate of authority to transact business in this State to which he shall affix the conformed copy of the application.

(4) Send to the corporation or its representative the certificate of authority, together with the conformed copy of the application affixed thereto.

Sec. 55-140. Effect of Certificate of Authority.—Upon the issuance of a certificate of authority by the Secretary of State, the corporation shall be authorized to transact business in this State for those purposes set forth in its application, subject, however, to the right of this State to suspend or to revoke such authority as provided in this Chapter.

Sec. 55-141. Registered Office and Registered Agent of Foreign Corporation.—(a) Each foreign corporation authorized to transact business in this State shall establish and continuously maintain in this State:

(1) A registered office which may be, but need not be, the same as its place of business in this State.

(2) A registered agent, which agent may be either an individual resident in this State whose business office is identical with such registered office, or a domestic corporation or a foreign corporation authorized to transact business in this State, having a business office identical with such registered office.

Sec. 55-142. Change of Registered Office or Registered Agent of Foreign Corporation.—(a) A foreign corporation authorized to transact business in this State may change its registered office or change its registered agent, or both, upon filing in the office of the Secretary of State a statement setting forth:

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(1) The name of the corporation.

(2) The address, including street and number, if any, of its then registered office.

(3) If the address of its registered office be changed, the address, including street and number, if any, to which the registered office is to be changed.

(4) The name of its then registered agent.

(5) If its registered agent be changed, the name of its successor registered agent.

(6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

(b) Such statement shall be executed by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of its officers signing the statement.

(c) If the Secretary of State finds that such statement conforms to the provisions of this Chapter, he shall file such statement in his office, and upon such filing the change of address of the registered office, or the appointment of a new registered agent, or both, as the case may be, shall become effective.

Sec. 55-143. Suits against Foreign Corporations Authorized to Transact Business in This State.—(a) The registered agent appointed by a foreign corporation authorized to transact business in this State shall be an agent of such corporation upon whom any process, notice, or demand required or permitted by law to be served upon the corporation may be served.

(b) Whenever a foreign corporation authorized to transact business in this State shall fail to appoint or maintain a registered agent in this State, or whenever any such registered agent cannot with reasonable diligence be found at the registered office, then the Secretary of State shall be an agent of such corporation upon whom any process, notice, or demand may be served.

(c) Service on any such agent may be made in a suit upon any cause of action, whether or not arising in this State or arising out of business transacted in this State, and whether or not the cause of action runs in favor of a resident of this State.

Sec. 55-144. Suits against Foreign Corporations Transacting Business in the State Without Authorization.—Whenever a foreign corporation shall transact business in this State without first procuring a certificate of authority so to do from the Secretary of State or after its certificate of authority shall have been withdrawn, suspended, or revoked, then the Secretary of State shall be an agent of such corporation upon whom any process, notice, or demand in any suit upon a cause of action arising out of such business may be served.

Sec. 55-145. Jurisdiction over Foreign Corporations Not Transacting Business in this State.—(a) Every foreign corporation shall be subject to suit in this State, by a resident of this State or by a person having a

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usual place of business in this State, whether or not such foreign corporation is transacting or has transacted business in this State and whether or not it is engaged exclusively in interstate or foreign commerce, on any cause of action arising as follows:

(1) Out of any contract made in this State or to be performed in this State; or

(2) Out of any business solicited in this State by mail or otherwise if the corporation has repeatedly so solicited business, whether the orders or offers relating thereto were accepted within or without the State; or

(3) Out of the production, manufacture, or distribution of goods by such corporation with the reasonable expectation that those goods are to be used or consumed in this State and are so used or consumed, regardless of how or where the goods were produced, manufactured, marketed, or sold or whether or not through the medium of independent contractors or dealers; or

(4) Out of tortious conduct in this State, whether arising out of repeated activity or single acts, and whether arising out of misfeasance or nonfeasance.

(b) Whenever a foreign parent corporation is subject to liability for any obligations of a subsidiary corporation that is subject to suit in this State, the parent corporation is itself so subject in any action to enforce the said liability. In any such action against a foreign corporation, service may be made on any person who could be served in an action against such subsidiary corporation.

(c) Any foreign corporation subject to suit under this Section may, even though it is not transacting business in this State, appoint and maintain a registered agent, which agent may be either an individual resident in this State, or a domestic corporation, or a foreign corporation authorized to transact business in this State. Such appointment shall take place by filing in the office of the Secretary of State a statement setting forth the name and address of the corporation and the address of its principal office, and the name and address in this State of the registered agent. The registered agent appointed by a foreign corporation pursuant to this Section shall be an agent of the corporation upon whom any process, notice, or demand in any cause of action arising under this Section may be served. In any case where a foreign corporation is subject to suit under this Section and has failed to appoint and maintain a registered agent upon whom process might be served, or whenever such registered agent cannot with reasonable diligence be found at the address given, then the Secretary of State shall be an agent of such corporation upon whom any process in any such cause of action may be served.

Sec. 55-146. Service on Foreign Corporations by Service on Secretary of State.—(a) Service on the Secretary of State, when he is agent of a foreign corporation as provided in this Chapter, of any process, notice or demand shall be made by the sheriff delivering to and leaving with the Secretary of State duplicate copies of such process, notice or demand.

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Service of process on the foreign corporation shall be deemed complete when the Secretary of State is so served. The Secretary of State shall endorse upon both copies the time of receipt and shall forthwith send one of such copies by registered mail with return receipt requested addressed to such corporation at its principal office as it appears in the records of the Secretary of State or, if there is no address of the corporation on file with the Secretary of State, then to said corporation at its office as shown in the official registry of the state of its incorporation. The Secretary of State may require the plaintiff or his attorney to furnish such address. A copy of the complaint or order of the clerk extending the time for filing the complaint must be mailed to the corporation with the copy of the summons. When a copy of the complaint is not mailed with the summons, the Secretary of State shall mail a copy of the complaint when it is served on him in the same manner as the copy of summons is required to be mailed.

(b) Upon the return to the Secretary of State of the requested return receipt showing delivery and acceptance of such registered mail, or upon the return of such registered mail showing refusal thereof by such foreign corporation, the Secretary of State shall note thereon the date of such return to him and shall attach either the return receipt or such refused mail including the envelope, as the case may be, to the copy of the process, notice or demand theretofore retained by him and shall mail the same to the clerk of the court in which such action or proceeding is pending and in respect of which such process, notice or demand was issued. Such mailing, in addition to the return by the sheriff, shall constitute the due return required by law. The clerk of the court shall thereupon file the same as a paper in such action or proceeding.

(c) Service made under this Section shall have the same legal force and validity as if the service had been made personally in this State. The refusal of any such foreign corporation to accept delivery of the registered mail provided for in subsection (a) of this Section or the refusal to sign the return receipt shall not affect the validity of such service; and any foreign corporation refusing to accept delivery of such registered mail shall be charged with knowledge of the contents of any process, notice or demand contained therein.

(d) Whenever service of process is made upon the Secretary of State as herein provided the defendant foreign corporation shall have thirty (30) days from the date when the defendant receives or refuses to accept the registered mail containing the copy of the complaint sent as in this Section provided in which to appear and answer the complaint in the action or proceeding so instituted. Entries on the defendant's return receipt or the refused registered mail shall be sufficient evidence of such date. If the date of acceptance or refusal to accept the registered mail cannot be determined from the entries on the return receipt or from notations of the postal authorities on the envelope, then the date when the defendant accepted or refused to accept the registered mail shall be deemed to be the date that the

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return receipt or the registered mail was received back by the Secretary of State.

(e) The court in which the action is pending shall order such additional time as may be necessary to afford the defendant reasonable opportunity to answer the complaint and defend the action.

(f) The Secretary of State shall keep a summarized record of all processes, notices, and demands served upon him under this Section, and shall record therein the time of such service and his action with reference thereto.

(g) Nothing herein contained shall limit or affect the right to serve any process, notice or demand to be served upon a corporation in any other manner now or hereafter permitted by law.

Sec. 55-147. Amendment to Charter of Foreign Corporation.—Whenever the charter of a foreign corporation authorized to transact business in this State is amended, such foreign corporation shall, within thirty days after such amendment becomes effective, file in the office of the Secretary of State a copy of such amendment duly authenticated by the proper officer of the state or country under the laws of which it is incorporated; but the filing thereof shall not of itself amend its certificate of authority.

Sec. 55-148. Merger of Foreign Corporation Authorized to Transact Business in This State.—Whenever a foreign corporation authorized to transact business in this State shall be a party to a statutory merger permitted by the laws of the state or country under which it is incorporated, and such corporation shall be the surviving corporation, it shall, within thirty days after such merger becomes effective, file with the Secretary of State a copy of the articles of merger duly authenticiated by the proper officer of the state or country under the laws of which such statutory merger was effected. It shall not be necessary for such corporation to procure either a new or amended certificate of authority to transact business in this State unless the name of such corporation be changed thereby or unless the corporation desires to pursue in this State other or additional purposes than those which it is then authorized to pursue in this State.

Sec. 55-149. Amended Certificate of Authority.—(a) A foreign corporation authorized to transact business in this State shall procure an amended certificate of authority in the event it changes its corporate name, or desires to pursue in this State other or additional purposes than those set forth in its prior application for a certificate of authority, by making application therefor to the Secretary of State.

(b) The requirements in respect to the form, the manner of its execution, the filing of the application and the conformed copy thereof with the Secretary of State, the issuance of an amended certificate of authority and the effect thereof, shall be the same as in the case of an original application for a certificate of authority. The contents of such application need not be the same as in the case of an original application for a certificate of authority provided the application sets forth information as to the changes proposed.

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Sec. 55-150. Withdrawal of Foreign Corporation.—(a) A foreign corporation authorized to transact business in this State may withdraw from this State upon procuring from the Secretary of State a certificate of withdrawal.

(b) In order to procure such certificate of withdrawal, such foreign corporation shall deliver to the Secretary of State an application for withdrawal, together with a conformed copy thereof, which shall set forth:

(1) The name and postoffice address of the principal office of the corporation and the state or country under the laws of which it is incorporated.

(2) That the corporation is not transacting business in this State.

(3) That the corporation surrenders its authority to transact business in this State.

(4) That the corporation either continues its registered agent in this State or revokes his authority to accept service of process and consents that service of process in any action or proceeding based upon any cause of action arising in this State, or arising out of business transacted in this State, during the time the corporation was authorized to transact business in this State may thereafter be made on such corporation by service thereof on the Secretary of State.

(5) If required by the Commissioner of Revenue, such additional information as may be necessary or appropriate in order to determine and assess any unpaid taxes and fees payable under the laws of this State.

(c) The application for withdrawal shall be executed by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one of its officers signing such application, or, if the corporation is in the hands of a receiver or trustee, shall be executed on behalf of the corporation by such receiver or trustee and verified by him.

(d) If the Secretary of State finds that such application conforms to law, he shall, when notified by the Commissioner of Revenue that such corporation has met the requirements with respect to reports and taxes required by the revenue laws of this State:

(1) Endorse on each of such documents the word "filed," and the hour, day, month and year of the filing thereof.

(2) File the application in his office.

(3) Issue a certificate of withdrawal to which he shall affix the conformed copy.

(e) The certificate of withdrawal, together with the conformed copy of the application for withdrawal affixed thereto by the Secretary of State, shall be returned to the corporation or its representative. Upon the issuance of such certificate of withdrawal, the authority of the corporation to transact business in this State shall cease.

Sec. 55-151. Revocation of Certificate of Authority.—(a) The certificate of authority of a foreign corporation to transact business in this State may be revoked by the Secretary of State upon the conditions prescribed in this Section when:

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(1) The corporation has failed for a period of 30 days to establish and maintain a registered office as required by G. S. 55-141; or

(2) The corporation has failed for a period of 30 days to appoint and maintain a registered agent in this State as required by G. S. 55-141; or

(3) The corporation has failed for a period of 30 days after change of its registered office or registered agent to file in the office of the Secretary of State a statement of such change pursuant to G. S. 55-142; or

(4) The corporation has failed to file in the office of the Secretary of State any amendment to its charter or any articles of merger within the time prescribed by G. S. 55-147 and G. S. 55-148; or

(5) A willful misrepresentation has been made of any material matter in any application, report, affidavit, or other document submitted by such corporation pursuant to this Chapter; or

(6) The corporation has, without justification, refused to comply with a court order made pursuant to G. S. 55-38; or

(7) The corporation is exceeding the authority conferred upon it by this Chapter.

(b) On the happening of any the events set out in subsection (a) of this Section, the Secretary of State shall give not less than twenty days written notice to the corporation that he intends to revoke the certificate of authority of such corporation for one of the said causes, specifying the same. Such notice shall be given by mail duly addressed to the corporation at its registered office in this State and at its principal office outside the State, as shown by the records in the office of the Secretary of State. If, before the expiration of the time stated in the notice, the corporation establishes to the satisfaction of the Secretary of State the fact that the stated cause for the revocation of its certificate of authority did not exist as of the time the notice was mailed or, if it did exist at said time, has been cured, then the Secretary of State shall take no further action. Otherwise, on the expiration of the time stated in the notice, he shall revoke the certificate of authority.

(c) Nothing herein shall be deemed to repeal or modify any provision of the Revenue Act relating to the suspension of the certificate of authority of foreign corporations for failure to comply with the provisions thereof.

Sec. 55-152. Issuance of Certificate of Revocation.—(a) To revoke any such certificate of authority, the Secretary of State shall:

(1) Issue a certificate of revocation in triplicate.

(2) File one of such certificates in his office.

(3) Mail one of such certificates to such corporation at its registered office in this State and one to the corporation at its principal office in the state or country under the laws of which it is incorporated, as shown by the records in the office of the Secretary of State.

(b) Upon the issuance of such certificate of revocation, the authority of the corporation to transact business in this State shall cease.

Sec. 55-153. Application of This Chapter to Foreign Corporations Heretofore Domesticated in This State.—(a) Subject to the provisions of sub-

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section (d) of this Section, foreign corporations which have been duly domesticated in this State at the time this Chapter takes effect shall be entitled to all the rights and privileges applicable to foreign corporations procuring authority to transact business in this State under this Chapter, and from the time this Chapter takes effect such corporations shall be subject to all the limitations, restrictions, liabilities, and duties prescribed herein for foreign corporations procuring under this Chapter authority to transact business in this State.

(b) Except as provided in subsection (c) of this Section, such corporations shall, after this Chapter takes effect, designate a registered office and appoint a registered agent in the manner provided in this Chapter for change of registered office or registered agent.

(c) If any foreign corporation has, prior to the effective date of this Chapter, filed with the Secretary of State a statement designating a principal office within this State and agent in charge thereof and has continued to maintain the same, it shall not be required to, but it may, designate a new registered office and agent as provided in subsection (b) of this Section.

(d) If there is no office and agent registered in the office of the Secretary of State, then service of process may be made on the Secretary of State, as provided in G. S. 55-146 when there is no registered agent, until such time as a registered office is designated and a registered agent appointed.

(e) No foreign corporation which has been domesticated under the provisions of prior Acts before this Chapter becomes effective shall hereafter have greater immunity from local judisdiction than foreign corporations hereafter procuring a certificate of authority to transact business in this State and, to this end, every such domesticated foreign corporation, by continuing as a domesticated corporation in this State for a period of 90 days after this Chapter becomes effective, shall be deemed to have expressly appointed the Secretary of State as its agent to receive service of process as fully as if it had made an application for a certificate of authority pursuant to the requirements of G. S. 55-138.

Sec. 55-154. Transacting Business Without Certficate of Authority.—(a) No foreign corporation transacting business in this State without permission obtained through a certificate of authority under this Chapter or through domestication under prior Acts shall be permitted to maintain any action or proceeding in any court of this State unless such corporation shall have obtained a certificate of authority prior to trial; nor shall any action or proceeding be maintained in any court of this State by any successor or assignee of such corporation on any cause of action arising out of the transaction of business by such corporation in this State until:

(1) A certificate of authority shall have been obtained by such corporation or by a foreign corporation which has acquired substantially all of its assets, or

(2) Substantially all of its assets have been acquired by a domestic corporation or one or more individuals.

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An issue arising under this subsection must be raised by motion and determined by the trial judge prior to trial.

(b) The failure of a foreign corporation to obtain a certificate of authority to transact business in this State shall not impair the validity of any contract or act of such corporation, and shall not prevent such corporation from defending any action or proceeding in any court of this State.

(c) A foreign corporation failing to obtain permission to transact business in this State as required by this Chapter or by prior Acts then applicable shall be liable to the State for the years or parts thereof during which it transacted business in this State without such permission in an amount equal to all fees and taxes which would have been imposed by law upon such corporation had it duly applied for and received such permission plus interest and all penalties imposed by law for failure to pay such fees and taxes, plus five hundred dollars ($500.00) and costs. The Attorney General shall bring actions to recover all amounts due the State under the provisions of this Section.

(d) The Secretary of State is hereby directed to require that every foreign corporation transacting business in this State comply with the provisions of this Chapter. The Secretary of State is authorized to employ such assistants as shall be deemed necessary in his office for the purpose of enforcing the provisions of this Article and for making such investigations as shall be necessary to ascertain foreign corporations now transacting business in this State which may have failed to comply with the provisions of this Chapter.

ARTICLE 12. Curative Provisions.

ARTICLE 13. Miscellaneous Provisions.

Sec. 55-165. Interrogatories by Secretary of State.—The Secretary of State may propound to any corporation, domestic or foreign which he has reason to believe is subject to the provisions of this Chapter, and to any officer or director thereof, such written interrogatories as may be reasonably necessary and proper to enable him to ascertain whether such corporation is subject to the provisions of this Chapter or has compiled with all the provisions of this Chapter applicable to it. Such interrogatories shall be answered within thirty days after the mailing thereof, or within such additional time as shall be fixed by the Secretary of State, and the answers thereto shall be full and complete and shall be made in writing and under oath. If such interrogatories be directed to an individual they shall be answered by him, and if directed to a corporation they shall be answered by the president, vice president, secretary or assistant secretary thereof. The Secretary of State need not file any document to which such interrogatories relate until such interrogatories be answered as herein provided, and not then if the answers thereto disclose that such document is not in conformity with the provisions of this Chapter. The Secretary of State shall certify to the Attorney General, for such

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action as the Attorney General may deem appropriate, all interrogatories and answers thereto which disclose a violation of any of the provisions of this Chapter, requiring or permitting action by the Attorney General.

Sec. 55-166. Penalties Imposed Upon Corporations, Officers and Directors for Failure to Answer Interrogatories.—(a) Each corporation, domestic or foreign, that fails or refuses to answer truthfully and fully within the time prescribed by this Chapter interrogatories propounded by the Secretary of State in accordance with the provisions of this Chapter, shall be deemed to be guilty of a misdemeanor.

(b) Each officer and director of a corporation, domestic or foreign, who fails or refuses within the time prescribed by this Chapter to answer truthfully and fully interrogatories propounded to him by the Secretary of State in accordance with the provisions of this Chapter, or who signs any articles, statement, report, application or other document filed with the Secretary of State which is known to such officer or director to be false in any material respect, shall be guilty of a misdemeanor.

Sec. 55-167. Information Disclosed by Interrogatories.—Interrogatories propounded by the Secretary of State and the answers thereto shall not be open to public inspection nor shall the Secretary of State disclose any facts or information obtained therefrom except insofar as his official duty may require the same to be made public or in the event such interrogatories or the answers thereto are required for evidence in any criminal proceedings or in any other action or proceedings by this State.

Sec. 55-168. Powers of Secretary of State.—The Secretary of State shall have the power and authority reasonably necessary to enable him to administer this Chapter efficiently and to perform the duties therein imposed upon him.

Sec. 55-169. Certificates and Certified Copies to be Received in Evidence.—All certificates issued by the Secretary of State in accordance with the provisions of this Chapter, and all copies of documents filed in his office in accordance with the provisions of this Chapter when certified by him, shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the facts therein stated.

Sec. 55-170. Forms of Documents Required to be Filed in the Office of the Secretary of State.—Any document required to be filed in the office of the Secretary of State shall be made in such form, if any, as may be prescribed by the Secretary of State pursuant to the provisions of this Chapter.

Sec. 55-171. Photostatic Copies of Documents Acceptable for Filing or Recording.—When any document is required or permitted to be filed or recorded by this Chapter, a photostatic or other photographic copy of such document may be filed or recorded in lieu of the original instrument. Such filing or recording shall have the same force and effect as if the original instrument had been so filed or recorded.

Sec. 55-172. Waiver of Notice.—Whenever any notice is required to be given to any shareholder or director of a corporation under the provisions

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of this Chapter or under the provisions of the charter or bylaws of the corporation, a waiver thereof in writing signed by the person or perons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

Sec. 55-173. Notice to Director or Shareholder Outside the United States.—Any requirement of this Chapter or of the charter or bylaws, with respect to the giving or sending of any notice or communication to any shareholder or director as such whose address as it appears upon the records of the corporation is outside of the United States, shall be dispensed with, and no action taken shall be affected or invalidated by the failure to give or send any such notice or communication, insofar as compliance with any such requirement is at the time prohibited by, or dependent upon, the obtaining of a license or consent under, any Act of Congress or any rules, regulations, proclamations, or executive orders purported to be issued under authority of any such Act.

Sec. 55-174. Reserve Power.—The General Assembly reserves the power to amend or repeal the charter of any corporation hereafter or heretofore formed and to amend or repeal this Chapter or any part thereof, and the rights of any corporation or of any shareholder, director or officer in any corporation are subject to this reservation. This Chapter, including this reservation, is a part of the charter contract between the shareholders. The power so reserved includes the power to authorize charter amendments which are to be effectuated pursuant to consent by the shareholders in the manner permitted by this Chapter, as now enacted or as subsequently amended.

Sec. 55-175. Cross References.—Whenever in this Chapter, as enacted or as hereafter amended, whether by enactment of additional provisions or otherwise, reference is made to a Section of this Chapter or of any other Chapter of the Statutes of this State, such reference shall, unless otherwise provided, extend to and include any amendment of the Section so referred to or any Section hereafter enacted in lieu of the Section so referred to.

Sec. 55-176. Effect of Invalidity of Part of This Chapter.—If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, subsection, Section or part of this Chapter, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this Chapter, but the effect thereof shall be confined to the clause, sentence, paragraph, subsection, Section or part of this Chapter so adjudged to be invalid or unconstitutional.

Sec. 2. (a) Article 8 of Chapter 55 of the General Statutes, entitled "Uniform Stock Transfer Act," as the same appears in Volume 2B of the General Statutes, and being composed of G. S. 55-81 to G. S. 55-104, both inclusive, is hereby recodified as Article 7 of Chapter 55 of the General Statutes enacted in the 1955 General Assembly, entitled "Business Corporation Act," and the various Sections shall be numbered consecutively and in their present order as G. S. 55-75 to G. S. 55-98, both inclusive, with the cross references found in G. S. 55-85 of renumbered Article 8 of

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Chapter 55 amended so as to refer to G. S. 55-75 and G. S. 55-81 of Article 7 of new Chapter 55; and the cross reference found in G. S. 55-86 of renumbered Article 8 of Chapter 55 amended so as to refer to G. S. 55-81 of Article 7 of new Chapter 55; and the cross reference found in G. S. 55-97 of renumbered Article 8 of Chapter 55 amended so as to refer to G. S. 55-57 (e) of the "Business Corporation Act."

(b) Article 12 of Chapter 55 of the General Statutes, entitled "Execution," and being composed of G. S. 55-140 through G. S. 55-146, is hereby transferred to the end of Article 28 of Chapter 1, immediately following G. S. 1-324, and the various Sections shall be numbered consecutively and in their present order as G. S. 1-324.1 through G. S. 1-324.7, with the cross references found in G. S. 55-143 amended so as to refer to G. S. 1-324.2; and the cross reference found in G. S. 55-146 amended so as to refer to G. S. 1-324.6.

(c) Article 13 of Chapter 55 of the General Statutes, entitled "Receivers," and being composed of G. S. 55-147 through G. S. 55-157, is hereby transferred to the end of Article 38 of Chapter 1, immediately following G. S. 1-507, and the various Sections shall be numbered consecutively and in their present order as G. S. 1-507.1 through G. S. 1-507.11.

(d) Article 15 of Chapter 55 of the General Statutes, entitled "Reorganization," and being composed of G. S. 55-161 through G. S. 55-164 is hereby recodified as Article 5A of Chapter 62 of the General Statutes, and the various Sections shall be numbered consecutively and in their present order as G. S. 62-102.1 through G. S. 62-102.4.

(e) G. S. 55-35 is hereby amended by changing the number of the Section to G. S. 55-157, and by transferring it so that it will be the first Section of Article 12, entitled "Curative Provisions," of Chapter 55 of the General Statutes as rewritten, and as herein set out.

(f) G. S. 55-41 is hereby amended by changing the number of the Section to G. S. 55-158 and by transferring it so that it will be the second Section of Article 12, entitled "Curative Provisions," of Chapter 55 of the General Statutes as rewritten, and as herein set out.

(g) G. S. 55-41.1 is hereby amended by changing the number of the Section to G. S. 55-159 and by transferring it so that it will be the third Section of Article 12, entitled "Curative Provisions," of Chapter 55 of the General Statutes as rewritten, and as herein set out.

(h) G. S. 55-41.2 is hereby amended by changing the number of the Section to G. S. 55-160 and by transferring it so that it will be the fourth Section of Article 12, entitled "Curative Provisions," of Chapter 55 of the General Statutes as rewritten, and as herein set out.

(i) G. S. 55-42 is hereby amended by changing the number of the Section to G. S. 55-161 and by transferring it so that it will be the fifth Section of Article 12, entitled "Curative Provisions," of Chapter 55 of the General Statutes as rewritten, and as herein set out.

(j) G. S. 55-164.1 is hereby amended by changing the number of the Section to G. S. 55-162 and by transferring it so that it will be the sixth

NOTE: This Act is not effective until July 1, 1957.

Section of Article 12, entitled "Curative Provisions," of Chapter 55 of the General Statutes as rewritten, and as herein set out.

(k) G. S. 55-164.2 is hereby amended by changing the number of the Section to G. S. 55-163 and by transferring it so that it will be seventh Section of Article 12, entitled "Curative Provisions," of Chapter 55 of the General Statutes as rewritten, and as herein set out.

(l) G. S. 55-164.3 is hereby amended by changing the number of the Section to G. S. 55-164 and by transferring it so that it will be the eighth Section of Article 12, entitled "Curative Provisions," of Chapter 55 of the General Statutes as rewritten, and as herein set out, and all cross references found in G. S. 55-164.3 are amended so as to refer to G. S. 55-163.

Sec. 3. Paragraph 4 of G. S. 1-502 and the last unnumbered paragraph of said Section are hereby rewritten to read as follows:

"4. In cases provided in G. S. 1-507.1 and in like cases, of the property within this State of foreign corporations.

"The provisions of G. S. 1-507.1 through G. S. 1-507.11 are applicable, as near as may be, to receivers appointed hereunder."

Sec. 4. G. S. 55-22 is hereby rewritten to read as follows:

"G. S. 53-22. Statute Relating to Receivers Applicable to Insolvent Banks.—The provisions of G. S. 1-507.1 through G. S. 1-507.11, both inclusive, relating to receivers, when not inconsistent with the provisions of G. S. 53-20, shall apply to liquidation of insolvent banks."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective on and after July 1, 1957.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 177 **CHAPTER 1372**

AN ACT REWRITING, REARRANGING, RENUMBERING AND AMENDING CHAPTER 115 OF THE GENERAL STATUTES, AND REPEALING CERTAIN OBSOLETE SECTIONS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That all the provisions of Chapter 115 of the General Statutes of North Carolina as contained in Volume 3A and the 1953 Supplement thereto, are hereby rewritten to read as follows:

"CHAPTER 115.
EDUCATION
SUBCHAPTER I. GENERAL PROVISIONS

ARTICLE 1
State Plan for Public Education

Section 1. A general and uniform system of schools. A general and uniform system of public schools shall be provided throughout the State, in accordance with the provisions of Article IX of the Constitution of North Carolina, wherein tuition shall be free of charge to all children of the State between the ages of six and twenty-one years, and to every person twenty-one years of age, or over, who has not completed a standard high school course of study, or who desires to study the vocational subjects taught in such school. The minimum six months school term required by Article IX of the Constitution is hereby extended to embrace a total of one hundred and eighty days of school in order that there shall be operated in every county and city administrative unit a uniform school term of nine months without the levy of a State ad valorem tax therefor, and in order that substantial equality of educational opportunity may be available to all children of the State.

Sec. 2. Administration of the system vested in the State Board of Education. The general supervision and administration of the free public school system shall be vested in the State Board of Education, to consist of the Lieutenant Governor, the State Treasurer, the State Superintendent of Public Instruction, and ten (10) members to be appointed by the Governor, subject to confirmation by the General Assembly in Joint Session. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. All appointive members of the State Board of Education shall serve for a term of eight years and in four classes, as provided in the Constitution. Any appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The Governor shall transmit to the presiding officers of the Senate and House of Representatives, on or before the 60th legislative day of the General Assembly, the names of the persons appointed by him and submitted to the General Assembly for confirmation; and thereafter, pursuant to Joint Resolution, the Senate and House of Rep-

resentatives shall meet in Joint Session for consideration of an action upon such appointments.

The provisions of this Article shall not affect the terms of office of the members of the State Board of Education as now constituted.

The State Superintendent of Public Instruction shall be the administrative head of the public school system and shall be the secretary of the board.

Sec. 3. Educational districts. The State of North Carolina shall be divided into eight educational districts embracing the counties herein set forth:

First District

Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Pitt, Tyrrell, Washington.

Second District

Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Sampson, Wayne.

Third District

Durham, Edgecombe, Franklin, Granville, Halifax, Johnston, Nash, Northampton, Vance, Wake, Warren, Wilson.

Fourth District

Bladen, Columbus, Cumberland, Harnett, Hoke, Lee, Montgomery, Moore, Richmond, Robeson, Scotland.

Fifth District

Alamance, Caswell, Chatham, Davidson, Forsyth, Guilford, Orange, Person, Randolph, Rockingham, Stokes.

Sixth District

Anson, Cabarrus, Cleveland, Gaston, Lincoln, Mecklenburg, Stanly, Union.

Seventh District

Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Davie, Iredell, Rowan, Surry, Watauga, Wilkes, Yadkin.

Eighth District

Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, McDowell, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey.

Sec. 4. Administrative units classified. Each county of the State shall be classified as a county administrative unit, the schools of which, except in city administrative units, shall be under the general supervision and control of a county board of education with a county superintendent as the administrative officer.

A city administrative unit shall be classified as an area within a county or adjacent parts of two or more contiguous counties which has been or may be approved by the State Board of Education as such a unit for pur-

poses of school administration. The general administration and supervision of a city administrative unit shall be under the control of a board of education with a city superintendent as the administrative officer.

All administrative units, whether city or county, shall be dealt with by the State school authorities in all matters of school administration in the same way.

Sec. 5. The school system defined. The school system of each county and city administrative unit shall consist of twelve years of study or grades, and shall be graded on the basis of a school year of not less than nine months. The system may be organized in one of two ways as follows: The first eight grades shall be styled the elementary school and the remaining four grades, the high school; or if more practicable, a junior high school may be formed by combining the first year of high school with both the seventh and eighth grades or with the eighth grade alone, and a senior high school which shall comprise the last three years of high school work.

Sec. 6. Schools classified and defined. The different types of public schools are classified and defined as follows:

1. An elementary school, that is, a school which embraces a part or all of the eight elementary grades.

2. A high school, that is, a school which embraces a high school department above the elementary grades and which offers at least the minimum high school course of study prescribed by the State Board of Education.

3. A union school, that is, a school which embraces both elementary and high school grades.

4. A junior high school, that is, a school which embraces not more than the first year of high school with not more than the upper two elementary grades.

5. A senior high school, that is, a school which embraces the tenth, eleventh and twelfth grades.

Sec. 7. The term "district" defined. The term "district" here used is defined to mean any convenient territorial division or subdivision of a county, created for the purpose of maintaining within its boundaries one or more public schools. It may include one or more incorporated towns or cities, or parts thereof, or one or more townships, or parts thereof, all of which territory is included in a common boundary. There shall be two different kinds of districts:

1. The nontax district, that is, a territorial division of a county administrative unit under the control of the county board of education, or a city administrative unit under the control of a city board of education, but having no special local tax fund voted by the people for supplementing State and county funds.

2. The local tax district, that is, a territorial division of a county administrative unit under the control of the county board of education, or a city administrative unit under the control of a city board of education but having in addition to State and county funds, a special local tax fund voted by the people for supplementing State and county funds.

Sec. 8. Officials defined. The governing board of a county adminis-

trative unit is "the.....county board of education." The governing board of a city administrative unit is "the..... city board of education." The governing board of the school district is "the .....district committee." The executive officer of either a county or city administrative unit shall be called "superintendent." The executive head of a district or school shall be called "principal."

Sec. 9. Tax levying authorities defined. As used in this Act, the term "tax levying authorities" shall mean the board of county commissioners in all cases except where the boundaries of a city administrative unit shall be coterminous with or situate wholly within the boundaries of an incorporated city or town, in which case the term "tax levying authorities" shall mean the governing body of such city or town; provided, the municipal governing body may, by appropriate resolution, transfer this authority to the board of county commissioners with the approval of the board of county commissioners.

SUBCHAPTER II. ADMINISTRATIVE ORGANIZATION

ARTICLE 2

The State Board of Education

Section 1. Organization of the board. 1. Presiding Officer. The State Board of Education shall elect from its membership a chairman and vice chairman. A majority of the board shall constitute a quorum for the transaction of business. Per diem and expenses of the appointive members of the board shall be provided by the General Assembly. The chairman of the board shall preside at all meetings of the board. In the absence of the chairman, the vice chairman shall preside; in the absence of both the chairman and the vice chairman, the board shall name one of its own members as chairman pro tempore.

2. Regular meetings of board. The regular meetings of the board shall be held each month on a day certain, as determined by the board. The board shall determine the hour of the meeting, which may be adjourned from day to day, or to a day certain, until the business before the board has been completed.

3. Special meetings. Special meetings of the board may be set at any regular meeting or may be called by the secretary upon the approval of the chairman. In case of regular meetings and special meetings, the secretary shall give notice to each member, in writing, of the time and purpose of the meeting, by letter directed to each member at his home post office address. Such notice must be deposited in the Raleigh Post Office at least three days prior to the date of meeting.

4. Voting. No voting by proxy shall be permitted. Except in voting on textbook adoptions, all voting shall be viva voce unless a record vote or secret ballot is demanded by any member, and a majority of those present and voting shall be necessary to carry a motion. The secretary as a board member is entitled to vote on all matters before the board.

5. Voting on adoption of textbooks. A majority vote of the whole membership of the board shall be required to adopt textbooks, and a roll call

vote shall be had on each motion for such adoption or adoptions. A record of all such votes shall be kept in the minute book.

6. Committees. The board may create from its membership such committees as it deems necessary to facilitate its business. The chairman of the board shall appoint members to the several committees, and the secretary shall be an ex officio member of each committee so created and named.

7. Record of proceedings. All the proceedings of the board shall be recorded in a well bound and suitable book, which shall be kept in the office of the Superintendent of Public Instruction, and open to public inspection.

Sec. 2. Powers and duties of the State Board of Education. The powers and duties of the State Board of Education are defined as follows: 1. General supervision and administration. The board shall have general supervision and administration of the educational funds provided by the State and Federal governments, except those mentioned in Section Five of Article IX of the State Constitution, and also excepting such local funds as may be provided by a county, city, or district.

2. Successors to powers of president of Literary Fund and to boards or commissions. The board shall succeed to all the powers and trusts of the president and directors of the Literary Fund of North Carolina; and to all the powers, functions, duties, and property of all abolished commissions and boards including the State School Commission, the State Textbook Commission, the State Board for Vocational Education, and the State Board of Commercial Education, including the power to take, hold and convey property, both real and personal, to the same extent that any corporation might take, hold and convey the same under the laws of this State.

3. Power to divide the administrative units into districts. The board shall have power to create in any county administrative units a convenient number of school districts, upon the recommendation of the county board of eduction. Such a school district may be entirely in one county or may consist of contiguous parts of two or more counties. The board may modify the district organization in any administrative unit when it is deemed necessary for the economical and efficient administration and operation of the State school system, when requested to do so by the appropriate county or city board of education.

4. Divisions of functions of board. The board shall divide its duties into two separate functions, insofar as may be practicable, as follows:

a. All those matters relating to the supervision and administration of the public school system, except the supervision and management of the fiscal affairs of the board, shall be under the direction of the State Superintendent in his capacity as the Constitutional administrative head of the public school system.

b. All those matters relating to the supervision and administration of the fiscal affairs of the public school fund committed to the administration of the State Board of Education shall be under the supervision and management of the controller.

5. Appointment of controller. The board shall appoint a controller, subject to the approval of the Governor, who shall serve at the will of

the board and who, under the direction of the board, shall have supervision and management of the fiscal affairs of the board. The salary of the controller shall be fixed by the board, subject to the approval of the Director of the Budget and shall be paid from board appropriations.

6. Apportionment of funds. The board shall have authority to apportion and equalize over the State all State school funds.

7. Investments. The board is authorized to direct the State Treasurer to invest in interest bearing securities any funds which may come into its possession, and which it deems expedient to invest, as other funds of the State are now or may be hereafter invested.

8. Acceptance of Federal funds and aid. The board is authorized to accept for the schools of the State any Federal funds, or aids, that may be appropriated now or hereafter by the Federal government for the encouragement and improvement of any phase of the free public school program which, in the judgment of the board, will be beneficial to the operation of the schools. However, the board is not authorized to accept any such funds upon any condition that the public schools of this State shall be operated contrary to any provisions of the Constitution or Statutes of this State.

9. Power to purchase at mortgage sales; payment of drainage assessments. The State Board of Education is authorized to purchase at public sale any land or lands upon which it has a mortgage or deed of trust securing the purchase price, or any part thereof, and when any land so sold and purchased by the said Board of Education is a part of a drainage district theretofore constituted, upon which said land assessments have been levied for the maintenance thereof, such assessments shall be paid by the said State Board of Education, as if said land had been purchased or owned by an individual.

10. Power to adjust debts for purchase price of lands sold; sale of mortgages, etc. The State Board of Education is hereby authorized and empowered to settle, compromise or otherwise adjust any indebtedness due it upon the purchase price of any land or property sold by it, or to cancel and surrender the notes, mortgages, trust deeds, or other evidence of indebtedness without payment, when, in the discretion of said board, it appears that it is proper to do so. The Board of Education is further authorized and empowered to sell or otherwise dispose of any such notes, mortgages, trust deeds, or other evidence of indebtedness.

11. Power to establish city administrative units. The board shall have power, in its discretion, to alter the boundaries of any city administrative unit, to establish additional city administrative units when, in its opinion, such change is desirable for better educational advantages or better school administration: Provided, that such change in administration shall not have the effect of abolishing any special taxes that may have been voted in such unit.

12. Power to allot special teaching personnel and funds for clerical assistants to principals. The board shall have power to provide for the enrichment and strengthening of educational opportunities for the children of the State, and when sufficient State funds are available to provide first

for the allotment of such a number of teachers as to prevent the teacher load from being too great in any school, the board is authorized, in its discretion, to make an additional allotment of teaching personnel to county and city administrative units of the State to be used either jointly or separately, as the board may prescribe. Such additional teaching personnel may be used in the administrative units as librarians, special teachers, or supervisors of instruction and for other special instructional services such as art, music, physical education, adult education, special education, or industrial arts as may be authorized and approved by the board. The salary of all such personnel shall be determined in accordance with the State salary schedule adopted by the board.

In addition, the board is authorized and empowered, in its discretion, to make allotments of funds for clerical assistants for classified principals and for attendance officers.

13. Power to make provisions for sick leave. The board is authorized and empowered, in its discretion, to make provision for sick leave with pay for any teacher or principal not to exceed five days per school term and promulgate rules and regulations providing for necessary substitutes on account of said sick leave. The pay for a substitute shall be fixed by the board. The board may provide to each administrative unit not exceeding one per cent (1%) of the cost of instructional services for the purpose of providing substitute teachers for those on sick leave as authorized by law or by regulations of the board, but not exceeding the provisions made for other State employees.

14. Miscellaneous powers and duties. All the powers and duties exercised by the State Board of Education shall be in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly. Among such duties are:

a. To certify and regulate the grade and salary of teachers and other school employees.

b. To adopt and supply textbooks.

c. To adopt a standard course of study upon recommendation of the State Superintendent of Public Instruction.

d. To formulate rules and regulations for the enforcement of the compulsory attendance law.

e. To regulate the conferring of degrees and to license educational institutions.

f. To report to the General Assembly on the operation of the State Literary Fund.

g. To approve the establishment of schools for adult education under the direction and supervision of the State Superintendent of Public Instruction.

h. To manage and operate a system of insurance for public school property.

ARTICLE 3

The State Superintendent of Public Instruction

Section 1. Administrative head of the public school system. The

State Superintendent of Public Instruction, as administrative head of the public school system, shall perform the duties prescribed by law and he shall be secretary of the State Board of Education.

Sec. 2. Office and salary. The Superintendent shall keep his office in the Education Building in Raleigh, and his salary shall be ten thousand dollars ($10,000.00) a year, payable monthly.

Sec. 3. Administrative duties. It shall be the duty of the State Superintendent of Public Instruction:

1. To organize and establish a Department of Public Instruction which shall include such divisions and departments as are necessary for supervision and administration of the public school system.

2. To keep the public informed as to the problems and needs of the public schools by constant contact with all school administrators and teachers, by his personal appearance at public gatherings, and by information furnished to the press of the State.

3. To report biennially to the Governor thirty days prior to each Regular Session of the General Assembly, such report to include information and statistics of the public schools, with recommendations for their improvement and for such changes in the school law as shall occur to him.

4. To have printed and distributed such educational bulletins as he shall deem necessary for the professional improvement of teachers and for the cultivation of public sentiment for public education, and to have printed all forms necessary and proper for the administration of the Department of Public Instruction.

Sec. 4. Duties as secretary to the State Board of Education. As secretary, under the direction of the board, it shall be the duty of the State Superintendent of Public Instruction:

1. To administer through the Department of Public Instruction the instructional policies established by the board.

2. To keep the board informed regarding developments in the field of public education.

3. To make recommendations to the board with regard to the problems and needs of education in North Carolina.

4. To make available to the public schools a continuous program of comprehensive supervisory services.

5. To collect and organize information regarding the public schools, on the basis of which he shall furnish the board such tabulations and reports as may be required by the board.

6. To communicate to the public school administrators all information and instructions regarding instructional policies and procedures adopted by the board.

7. To have custody of the official seal of the board and to attest all deeds, leases, or written contracts executed in the name of the board. All deeds of conveyance, leases, and contracts affecting real estate, title to which is held by the board, and all contracts of the board required to be in writing and under seal, shall be executed in the name of the board by the chairman and attested by the secretary; and proof of the execution,

if required or desired, may be had as provided by law for the proof of corporate instruments.

8. To attend all meetings of the board and to keep the minutes of the proceedings of the board in a well-bound and suitable book, which minutes shall be approved by the board prior to its adjournment; and, as soon thereafter as possible, to furnish to each member of the board and the controller a copy of said minutes.

9. To perform such other duties as the board may assign to him from time to time.

ARTICLE 4

Powers and Duties of Controller

Section 1. Controller to be administrator of fiscal affairs. 1. Executive administrator. The controller is constituted the executive administrator of the board in the supervision and management of the fiscal affairs of the board. In this capacity it shall be his duty, under the direction of the board, to administer the funds provided for the operation of the schools of the State for one hundred eighty days on such standards as may be determined by the board and always within the total funds appropriated therefor.

2. Fiscal affairs of board defined. All matters pertaining to the budgeting, allocation, accounting, auditing, certification, and disbursing of public school funds, now or hereafter committed to the administration of the State Board of Education, are included within the meaning of the term "fiscal affairs of the board" and, under the direction of the board, shall be supervised and managed by the controller. The fiscal affairs of the board shall also include:

a. The preparation and administration of the State school budget, including all funds appropriated for the maintenance of the nine months' public school term.

b. The allotment of teachers.

c. The protection of State funds by appropriate bonds.

d. Workmen's compensation as applicable to school employees.

e. Sick leave.

f. And all fiscal matters embraced in the objects of expenditure referred to in Section IX, "Public Schools", in the Act entitled "An Act to Make Appropriations for the Maintenance of the State's Departments, Bureaus, Institutions, and Agencies, and for Other Purposes", including therein:

1. Support of nine months term.
2. State Board of Education.
3. Vocational education.
4. Purchase of free textbooks.
5. Vocational textile training school.
6. Administration of the State School Plant Construction Improvement and Repair Fund.

g. The administration of such Federal funds as may be made available by Acts of Congress for the use of public schools.

h. Administration of all State funds derived from the sale and rental of textbooks in the public schools.

i. The operation of plant, and other auxiliary agencies under the administration of the board.

j. Administration of the Public School Insurance Fund.

Sec. 2. Duties of the controller defined. The controller, under the direction of the board, shall perform the following duties:

1. He shall maintain a record or system of bookkeeping which shall reflect at all times the status of all educational funds committed to the administration of the board and particularly the following:

a. State appropriation for maintenance of the nine months' public school term, which shall include all the objects of expenditure enumerated in Section 2, Article 9.

b. State appropriation and any other funds provided for the purchase and rental of public school textbooks.

c. State literary and building funds and such other building funds as may be hereafter provided by the General Assembly for loans, or grants, to county boards of education for school building purposes.

d. State and Federal funds for vocational education and other funds as may be provided by Act of Congress for assistance to the educational program.

e. Vocational rehabilitation funds.

f. State appropriation for the maintenance of the board and its office personnel and including all employees serving under the board.

g. Any miscellaneous funds within the jurisdiction of the board not included in the above.

2. He shall prepare all forms and questionnaires necessary to furnish information and data for the consideration of the board in preparing the State budget estimates required to be determined by the board as to each administrative unit.

3. He shall certify to each administrative unit the teacher allotment as determined by the board under Article 6, Section 6. The superintendents of the administrative units shall then certify to the State Superintendent the names of the persons employed as teachers and principals by districts. The State Superintendent shall then determine the certificate ratings of the teachers and principals, shall certify such ratings to the controller, who shall then determine in accordance with the State standard salary schedule for teachers and principals, the salary rating of each person so certified. The controller shall then determine, in accordance with the schedule of salaries established, the total cost of salaries in each county and city administrative unit for teachers and principals to be included in the State budget for the current fiscal year.

4. He shall satisfy himself before issuing any requisition upon the Budget Bureau for payment out of the State treasury of any funds placed to the credit of any administrative unit, under the provisions of Article 9, Section 7:

a. That funds are lawfully available for the payment of such requisition; and

b. Where the order covers salary payment to any employee or employees, that the amount thereof is within the salary schedule or salary rating of the particular employee.

5. He shall procure, through the Division of Purchase and Contract, a contract or contracts for the purchase of the estimated needs and requirements of the several administrative units, covering the items of janitor's supplies, instructional supplies, supplies used by the State Board of Education, and all other supplies, the payment for which is made from funds committed to the administration of the board.

6. He shall purchase from the various publishers the textbooks needed and required in the public schools in accordance with contracts made by the State Board of Education.

7. He shall, in cooperation with the State Auditor, have jurisdiction in the auditing of all school funds, under the provisions of Article 10, Section 7, and also in the auditing of all other funds which by law are committed to the administration of the board.

8. He shall attend all meetings of the board and shall furnish all such information and data concerning the fiscal affairs of the board as the board may require.

9. He shall employ all necessary employees who work under his direction in the administration of the fiscal affairs of the board.

10. He shall report directly to the board upon all matters coming within his supervision and management.

11. He shall furnish to the State Superintendent such information relating to fiscal affairs as may be necessary in the administration of his official duties.

12. He shall perform such other duties as may be assigned to him by the board from time to time.

ARTICLE 5

County and City Boards of Education

Section 1. How constituted. The county board of education in each county shall consist of the number of members which have been or may be appointed by the General Assembly in its biennial Act or Acts appointing members of boards of education. The term of office shall be for two years, except as may be otherwise provided in the said Act or Acts; provided that this Section shall not have the effect of repealing any local or special Acts relating to the boards of education of any particular counties.

Sec. 2. How nominated and elected. Nominations for membership on county boards of education shall be made biennially at party primaries or conventions at the same time and in the same manner as that in which other county officers are nominated. At such primaries or conventions each political party shall nominate members of county boards of education to take the place of the members of such boards whose terms next expire. The names of the persons so nominated in each county shall be duly certified by the chairman of the county board of elections within ten days after their nomination is declared to the State Superintendent of Public

Instruction, who shall transmit the names of all persons so nominated, together with the name of the political party nominating them, to the chairman of the committee on education of the House of Representatives in the next Regular Session of the General Assembly within ten days after it convenes. The General Assembly shall elect or appoint one or more, from the candidates so nominated, members of the county board of education for such county. Upon failure of the General Assembly to elect or appoint members as herein provided, such failure shall constitute a vacancy, which shall be filled by the State Board of Education. The term of office of each member shall begin on the first Monday in April of the year in which he is elected, and shall continue until his successor is elected and qualified. This Section shall not have the effect of repealing any local or special Acts relating to the boards of education of any particular counties.

Sec. 3. County board of elections to provide for nominations. The county board of elections, under the direction of the State Board of Elections, shall make all necessary provisions for such nominations as are herein provided for.

Sec. 4. City board of education, how constituted; how to employ principals, teachers and janitors. The board of education for any city administrative unit shall be appointed or elected as now provided by law. If no provision is now made by law for the filling of vacancies in the membership of any city board of education, such vacancy may be filled by the governing body of the city or town embraced by said administrative unit. In the event that any such vacancy is not filled in this manner within thirty days, the State Board of Education may fill such vacancy or vacancies.

In the city administrative units, principals and teachers shall be elected and janitors and maids appointed by the board of education of such administrative unit upon the recommendation of the superintendent of city schools.

Sec. 5. Members to qualify. Those persons who shall be elected or appointed members of the county board of education by the General Assembly, and those persons elected or appointed members of the city board of education, must qualify by taking the oath of office on or before the first Monday in April next succeeding their election or appointment. A failure to qualify within that time shall constitute a vacancy: Provided, that in the event that the General Assembly shall fail to elect members of the board of education by the first Monday in April, members shall qualify as soon as practicable after they are elected. Those persons elected or appointed to fill a vacancy must qualify within thirty days after notification thereof. A failure to qualify within that time shall constitute a vacancy. This Section shall not have the effect of repealing any local or special Acts relating to the boards of education of any particular counties.

Sec. 6. Vacancies in nominations for membership on county boards. If any candidate shall die, resign, or for any reason become ineligible or disqualified between the date of his nomination and the time for the election by the General Assembly of the members of the county board of

education for the county of such candidate, the vacancy caused thereby may be filled by the action of the county executive committee of the political party of such candidate.

Sec. 7. Vacancies in office. All vacancies in the membership of the board of education in such counties by death, resignation, or otherwise, shall be filled by the action of the county executive committee of the political party of the member causing such vacancy until the meeting of the next Regular Session of the General Assembly, and then for the residue of the unexpired term by that body. If the vacancy to be filled by the General Assembly in such cases shall have occurred before the primary or convention held in such county, then in that event nominations for such vacancies shall be made in the manner hereinbefore set out, and such vacancy shall be filled from the candidates nominated to fill such vacancy by the party primaries or conventions of such county. All such vacancies that are not filled by the county executive committee under the authority herein contained within thirty days from the occurrence of such vacancies shall be filled by appointment by the State Board of Education. This Section shall not have the effect of repealing any local or special Act relating to the board of education of any county.

Sec. 8. Eligibility for board membership. No one shall be eligible to serve as a member of a county or city board of education who is not known to be a person of intelligence, good moral character, good business qualifications, and known to be in favor of public education. No person while actually engaged in teaching in the public schools, or serving as an employee of the schools, or engaged in teaching in or conducting a private school in connection with which private school there is in any manner conducted a public school, no member of a district committee, and no person prohibited by Article XIV, Section seven, of the Constitution, shall be eligible as a member of a county or city board of education.

Sec. 9. Organization of the board. At the first meeting of the new county board in April, the members of all such boards as shall have been appointed by the retiring General Assembly shall organize by electing one of their members as chairman for a period of one year, or until his successor is elected and qualified. The chairman of the county board of education shall preside at the meetings of the board, and in the event of his absence or sickness, the board may appoint one of their members temporary chairman. The superintendent of schools, whether a county or city superintendent, shall be ex officio secretary to his respective board. He shall keep the minutes of the meetings of the board but shall have no vote: Provided, that in the event of a vacancy in the superintendency, the board may elect one of its members to serve temporarily as secretary to the board.

Sec. 10. The board a body corporate. The board of education of each county in the State shall be a body corporate by the name and style of "The ..... County Board of Education", and the board of education of each city administrative school unit in the State shall be a body corporate by the name and style of "The ..... City Board of Education". The several boards of education, both

county and city, shall hold all school property and be capable of purchasing and holding real and personal property, of building and repairing schoolhouses, of selling and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation.

Where there is public school property now in the possession of school committees who were bodies corporate prior to January first, one thousand nine hundred, or who became bodies corporate by special Act of the General Assembly but who have since ceased to be bodies corporate; and where land or lands were conveyed by deed bearing date prior to January first, one thousand nine hundred, to local trustees for school purposes, and such deed makes no provision for successor trustees to those named in said deed, and all of such trustees are dead; and where such land or lands are not now being used for educational purposes either by the county board of education or the city board of education of a city administrative unit wherein same are located, the Clerk of the Superior Court of the county wherein such property or such land or lands are located shall convey said property or land or lands to the board of education of the administrative unit in which the land or lands are located.

County and city boards of education, subject to any paramount powers vested by law in the State Board of Education or any other authorized agency shall have general control and supervision of all matters pertaining to the public schools in their respective administrative units; they shall execute the school laws in their units; and shall have authority to make agreements with other boards of education to transfer pupils from one administrative unit to another unit when the administration of the schools can be thereby more efficiently and more economically accomplished.

Sec. 11. Meetings of the board. All county and city boards of education shall meet on the first Monday in January, April, July, and October of each year, or as soon thereafter as practicable. A board may elect to hold regular monthly meetings, and to meet in special session upon the call of the chairman or of the secretary as often as the school business of the administrative unit may require.

Sec. 12. Compensation of board members. County and city boards of education may fix the compensation for each member not to exceed five dollars ($5.00) per diem and seven cents (7c) per mile to and from the places of meeting and no member of the board of education shall receive any compensation for any services rendered except the per diem provided herein for attending meetings of the board of such other traveling expenses as may be incurred while performing duties imposed upon any member by authority of the board.

The State Nine Months School Fund shall provide one hundred dollars ($100.00) of the cost of the per diem and mileage of each county board of education. Funds for the per diem and a mileage for all meetings of city boards of education and for the per diem and expenses of any meetings of the county board of education in excess of the one hundred dollars ($100.00) provided by the State, shall be provided from the current expense fund budget of such city or county.

This Section shall not have the effect of repealing any local or special

Act relating to the compensation or expenses of members of any county or city boards of education.

Sec. 13. Removal of member of county or city board of education. In case the State Superintendent of Public Instruction shall have sufficient evidence that any member of a county or city board of education is not capable of discharging, or is not discharging, the duties of his office as required by law, or is guilty of immoral or disreputable conduct, he shall notify the chairman of such board of education, unless such chairman is the offending member, in which case all other members of such board shall be notified. Upon receipt of such notice there shall be a meeting of said board of education for the purpose of investigating the charges, and if the charges are found to be true, such board shall declare the office vacant: Provided, that the offending member shall be given proper notice of the hearing and that record of the findings of the other members shall be recorded in the minutes of such board of education.

Sec. 14. Powers; suits and actions. 1. A county or city board of education shall institute all actions, suits, or proceedings against officers, persons, or corporations, or their sureties, for the recovery, preservation, and application of all money or property which may be due to or should be applied to the support and maintenance of the schools, except in case of a breach of his bond by the treasurer of the county school fund, in which case action shall be brought by the board of county commissioners.

2. In all actions brought in any court against a county or city board of education, the order or action of the board shall be presumed to be correct and the burden of proof shall be on the complaining party to show the contrary.

Sec. 15. Power to subpoena and to punish for contempt. County and city boards of education shall have power to issue subpoenas for the attendance of witnesses. Subpoenas may be issued in any and all matters which may lawfully come within the powers of a board and which, in the discretion of the board, requires investigation; and it shall be the duty of the sheriff or any process serving officer to serve such subpoenas upon payment of their lawful fees.

County and city boards of education shall have power to punish for contempt for any disorderly conduct or disturbance tending to disrupt them in the transaction of official business.

Sec. 16. Witness failing to appear; misdemeanor. Any witness who shall wilfully and without legal excuse fail to appear before a county or city board of education to testify in any matter under investigation by the board shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty days.

Sec. 17. Appeals to board of education and to Superior Court. An appeal shall lie from the decision of all school personnel to the appropriate county or city board of education. In all such appeals it shall be the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is properly entered in the records of the board conducting the hearing.

An appeal shall lie from the decision of a county or city board of education to the Superior Court of the State in any action of a county or city board of education affecting one's character or right to teach.

Sec. 18. Powers and duties of county and city boards. 1. To provide an adequate school system. It shall be the duty of county and city boards of education to provide an adequate school system within their respective administrative units, as directed by law.

2. General powers and general control. All powers and duties conferred and imposed by law respecting public schools, which are not expressly conferred and imposed upon some other official, are conferred and imposed upon county and city boards of education. Said boards of education shall have general control and supervision of all matters pertaining to the public schools in their respective administrative units and they shall enforce the school law in their respective units.

3. Power to divide administrative units into attendance areas. County boards of education shall have authority to divide their various units into attendance areas without regard to district lines, and city boards of education shall have authority to divide their various units into attendance areas.

4. Power to regulate extra curricular activities. County and city boards of education shall have authority to make all rules and regulations necessary for the conducting of extra curricular activities in the schools under their supervision, including a program of athletics, where desired, without assuming liability therefor; provided, that all interscholastic athletic activities shall be conducted in accordance with rules and regulations prescribed by the State Board of Education.

5. Fixing time of opening and closing schools. The time of opening and closing the public schools shall be fixed and determined by county and city boards of education in their respective administrative units. Different opening and closing dates may be fixed for schools in the same administrative unit but all schools using the same buses for transportation of pupils must open and close at the same time.

Sec. 19. Length of school day, school month, and school term. 1. School day. The length of the school day shall be determined by the several county and city boards of education for all public schools in their respective administrative units, and the minimum time for which teachers shall be employed in the schoolroom or on the grounds supervising the activities of children shall not be less than six hours. Boards of education, however, may authorize rural schools in certain seasons of the year, when the agricultural needs of the farm demand it, to be conducted for less than six hours a day.

2. School month. A school month shall consist of twenty teaching days. Schools shall not be taught on Saturdays unless the needs of agriculture, or other conditions in the unit or district make is desirable that school be taught on such days. Whenever it is desirable to complete the school term of one hundred eighty days in a shorter term than nine calendar months, the board of education of any administrative unit may, in its discretion, require that school shall be taught on legal holidays, except

Sundays, and in accordance with the custom and practice of such community.

3. School term. There shall be operated in every school in the State a uniform school term for instructing pupils of one hundred eighty days: Provided, that the State Board of Education, or the board of education of any administrative unit with the approval of the State Board of Education, may suspend the operation of any school or schools in such units, not to exceed a period of sixty days of said term of one hundred eighty days, when in the sound judgment of the State Board of Education, or the board of education of any administrative unit with the approval of the State Board of Education, the low average of daily attendance in any school justifies such suspension, or when the State Board of Education, or the board of education of any administrative unit with the approval of the State Board of Education, shall find that the needs of agriculture, or any other condition, may make such suspension necessary within such unit or any district thereof: Provided, further, that when the operation of any school is suspended no teacher therein shall be entitled to pay for any portion of the suspended term.

Full authority is hereby given to the State Board of Education during any period of emergency to order general and, if necessary, extended recesses or adjournment of the public schools in any section of the State where the planting or harvesting of crops or any emergency conditions make such action necessary.

Sec. 20. Subjects taught in the public schools. County and city boards of education shall provide for the efficient teaching in each grade of all subjects included in the outline course of study prepared by the State Superintendent of Public Instruction, which course of study shall include instruction in Americanism, alcoholism, and narcoticism at the appropriate grade levels.

Sec. 21. Kindergartens. County and city boards of education may provide for their respective administrative units, or for any district in a county administrative unit, kindergartens as a part of the public school system when a tax to support same is authorized by a majority of the voters at an election held in such unit or district under provisions for holding school elections herein.

Such kindergarten instruction as may be established under the provisions of this Section, or established in any other manner, shall be subject to the supervision of the State Department of Public Instruction and shall be operated in accordance with standards adopted by the State Board of Education.

Sec. 22. Requirements and limitations of the board in selecting a superintendent and his term of office. At a meeting to be held on the first Monday in April, one thousand nine hundred fifty-seven, or as soon thereafter as practicable, and biennially thereafter during the month of April, the various county boards of education named by the General Assembly which convened in January of such year or elected by the people at the preceding general election, as the case may be, shall meet and elect a county superintendent of schools, subject to the approval of the State

Superintendent of Public Instruction and the State Board of Education. Such superintendent shall take office on the following July first and shall serve for a term of two years, or until his successor is elected and qualified. A certification to the county board of education by the State Superintendent of Public Instruction showing that the person proposed for the office of county superintendent of schools holds a superintendent's certificate and has had three years experience in school work in the past ten years, together with a doctor's certificate showing the person to be free from any contagious or communicable disease, shall make any person eligible for this office: Provided, the requirement of a superintendent's certificate shall not be applicable to persons now serving as superintendents. Immediately after the election, the chairman of the county board of education shall report the name and address of the person elected to the State Superintendent of Public Instruction.

If any board of education shall elect a person to serve as superintendent of schools in any administrative unit who is not qualified, or cannot qualify, according to this Section, such election is null and void and it shall be the duty of such board of education to elect a person who can qualify.

In all city administrative units, the superintendent of schools shall be elected by the city board of education of such unit, to serve for a period of two years; and the qualifications, provisions, approval, and date of election shall be the same as for county superintendents.

Sec. 23. Office, equipment, and clerical assistants for superintendent. It shall be the duty of the various boards of education to provide the superintendent of schools with an appropriate office. Likewise, it shall be the duty of the various boards of education to furnish adequately the superintendent's office and provide all necessary office supplies. Authority is hereby given to boards of education to employ sufficient clerical assistants and purchase sufficient office machines and equipment to the end that the business of the superintendent of schools shall always be conducted in a prompt and efficient manner.

Sec. 24. Prescribing duties of superintendent not in conflict with law. All acts of county and city boards of education, not in conflict with State law, shall be binding on the superintendent, and it shall be his duty to carry out all rules and regulations of the board.

Sec. 25. Removal of county or city superintendent of schools. County or city boards of education are authorized to remove a superintendent who is guilty of immoral or disreputable conduct or who shall fail or refuse to perform the duties required of him by law. In case the State Superintendent of Public Instruction shall have sufficient evidence at any time that any superintendent of schools is not capable of discharging, or is not discharging, the duties of his office as required by law or is guilty of immoral or disreputable conduct, he shall report this matter to the board of education employing said superintendent of schools. It shall then be the duty of said board of education to hear the evidence in such case and, if after careful investigation it shall find the charges true, it shall declare the office vacant at once and proceed to elect a successor; provided, that such

superintendent shall have the right to try his title to office in the courts of the State.

Sec. 26. Removal of committeemen for cause. In case the county superintendent or any member of the county board of education shall have sufficient evidence at any time that any member of any school committee is not capable of discharging, or is not discharging, the duties of his office, or is guilty of immoral or disreputable conduct, he shall bring the matter to the attention of the county board of education, which shall thoroughly investigate the charges. If the board of education finds that the evidence supports the charges made to such an extent that the actions and conduct of said committeeman are not for the best interests of the schools, then the board shall proceed to remove such committeeman and appoint his successor: Provided, that such committeeman shall be given proper notice of the hearing and that a record of the findings of the board shall be recorded in the minutes of the meeting.

Sec. 27. Assistant superintendent and supervisors. County and city boards of education shall have authority to employ an assistant superintendent, and supervisors in addition to those that may be furnished by the State when, in the discretion of the board of education, the schools of the administrative unit can thereby be more efficiently and more economically operated and when funds for the same are provided in the current expense fund budget. The duties of such assistant superintendent and supervisors shall be assigned by the superintendent with the approval of the board of education.

Sec. 28. Authority of board over teachers, supervisors and principals. County and city boards of education, upon the recommendation of the superintendent, shall have full power to make all just and needful rules and regulations governing the conduct of teachers, principals, and supervisors; the kind of reports they shall make, and their duties in the care of school property.

County and city boards of education shall have power to investigate and pass upon the character of any teacher or school official in the public schools of the unit, and to dismiss any teacher or school official for immoral or disreputable conduct as provided in Article 17, Section 3; also to investigate and pass upon the fitness of any applicant for employment in any public school in the administrative unit.

If the superintendent reports to the board that the work of any teacher, principal, or supervisor is unsatisfactory or that any such person is not observing the rules and regulations of the board, the board has full authority at any time during the year, upon notice of ten days, to investigate the charges, and if sustained, to take appropriate action according to the findings of the board.

Sec. 29. Providing for training of teachers. County and city boards of education are authorized to provide for the professional growth of teachers while in service and to pass rules and regulations requiring teachers to cooperate with their superintendent for the improvement of instruction in the classroom and for promoting community improvement.

Sec. 30. Pay of teachers and other school employees. It shall be the duty of every county and city board of education to provide for the prompt monthly payment of all salaries due teachers, other school officials and employees, all current bills and other necessary operating expenses. All salaries and bills shall be paid as provided by law for disbursing State and local funds.

Sec. 31. Tax levying authorities authorized to borrow and boards of education limited in expenditures. If the taxes for the current year are not collected when the salaries and other necessary operating expenses come due, and the money is not available for meeting such expenses, it shall be the duty of the tax levying authorities to borrow against the amount approved in the budget and to issue short term notes for the amounts so borrowed in accordance with the provisions of the County Finance Act and the Local Government Act. The interest on all such notes shall be provided by the tax levying authorities in addition to the amount approved in the budget, unless this item is specifically included in the budget. However, if a county or city board of education shall wilfully create a debt or shall in any other way cause the expenses for the year to exceed the amount authorized in the budget, without the approval of the tax levying authorities, the indebtedness shall not be a valid obligation of the county or city, as the case may be, and the members of the board responsible for making the debt may be held liable for the same.

Sec. 32. Salary schedule for teachers. Every county and city board of education may adopt, as to teachers and school officials not paid out of State funds, a salary schedule similar to the State salary schedule, but it likewise shall recognize a difference in salaries based on different duties, training, experience, professional fitness, and continued service in the same school system; but if any county or city board of education shall fail to adopt such a schedule, the State salary schedule shall be in force. No teacher shall receive a salary higher than that provided in the salary schedule, unless by action of the board of education a higher salary is allowed for special fitness, special duties, or under extraordinary circumstances.

Whenever a higher salary is allowed, the minutes of the board shall show what salary is allowed and the reason for the same: Provided, that a county board of education, upon the recommendation of the committee of a district, may authorize the committee and the superintendent to supplement the salaries of all teachers of the district from funds derived from taxes within such district, and the minutes of the board shall show what increase is allowed each teacher in each such district.

Sec. 33. Authority for salary vouchers. The authority for boards of education to issue salary vouchers to all school employees, whether paid from State or local funds, shall be a monthly payroll prepared on forms furnished by the State Board of Education and containing all information required by the controller of the State Board of Education. This monthly payroll shall be signed by the principal of a school in a city administrative unit, and in a county administrative unit by the principal and the chairman of the local committee: Provided, that in

special tax districts in county administrative units all vouchers drawn against special funds of such districts except salary vouchers shall be supported by an order to pay same signed by the chairman of the committee of such district; and all vouchers, whether for salary or other objects of expenditure, which are chargeable against district funds, shall specify the district against which it is charged.

Sec. 34. Lunchrooms may be provided. In such cases as may be deemed advisable by a county or city board of education, and in any school where same may be deemed necessary because of the distance of the said school from places where meals may be easily obtained, it shall be permissible for a board of education as a part of the functions of the public school system to provide cafeterias where meals may be sold, and to operate or cause same to be operated for the convenience of teachers, school officers, and pupils of the said school. There shall be no personal liability upon the said board of education or members thereof, arising out of the operation of such eating places and it is understood and declared that the same are carried on and conducted in connection with the public schools, and because of the necessity arising out of the consolidation of the said schools and inconvenience and interruption of the schools caused by seeking meals elsewhere: Provided, that no part of the appropriation made by the State for the public schools shall be expended for the operation of said cafeterias or eating places.

All lunchrooms and cafeterias operated under the provisions of this Section shall be operated on a nonprofit basis, and any earnings therefrom over and above the cost of operation shall be used for the purpose of reducing the cost of meals served therein, or to serve better meals, and for no other purpose: Provided, that it shall not be mandatory that the provisions of G. S. 143-129 and Article 5, Section 35 be complied with in the purchase of supplies and food for such lunchrooms and cafeterias.

Sec. 35. Purchase of equipment and supplies. It shall be the duty of county and city boards of education to purchase all supplies, equipment and materials in accordance with contracts made by or with the approval of the State Division of Purchase and Contract. Title to instructional supplies, office supplies, fuel and janitorial supplies, enumerated in the current expense fund budget and purchased out of State funds, shall be taken in the name of the county or city board of education which shall be responsible for the custody and replacement: Provided, that no contracts shall be made by any county or city administrative unit for purchases unless provision has been made in the budget of such unit to provide payment therefor, or unless surplus funds are on hand to pay for same, and in order to protect the State purchase contracts, it is hereby made the mandatory duty upon the part of the governing authorities of such local units to pay for such purchases promptly in accordance with the terms of the contract of purchase.

ARTICLE 6

Powers and Duties of Superintendents

Section 1. Residence, oath of office, and salary of superintendent. Every

superintendent shall reside in the county in which he is employed. The superintendent shall not teach, nor be regularly employed in any other capacity that may limit or interfere with his duties as superintendent. Each superintendent, before entering upon the duties of his office, shall take an oath for the faithful performance thereof. The salary of the superintendent shall be in accordance with a State standard salary schedule, fixed and determined by the State Board of Education as provided by law; and such salary schedule for superintendents shall be determined on the same basis for both county and city superintendents and shall take into consideration the amount of work inherent to the office of both county and city superintendents; and such schedule shall be published in the same way and manner as the schedules for teachers' and principals' salaries are now published.

Sec. 2. Vacancies in office of superintendent. In case of vacancy by death, resignation, or otherwise, in the office of a county or city superintendent, such vacancy shall be filled by the county or city board of education in which such vacancy occurred. During the time any county or city superintendent is on an approved leave of absence, without pay, an acting superintendent may be appointed in the same manner to serve during the interim period, which appointment shall be subject to the same approvals and to the same educational qualifications as provided for superintendents. In case such position is not filled immediately on a permanent or temporary basis, or in case of absence of a superintendent on account of illness or other approved reason, the board of education, by resolution duly adopted and recorded in the minutes of such board, may assign to an employee of such school board, with the approval of the State Superintendent of Public Instruction and the State Board of Education, any duty or duties of such superintendent which necessity requires be performed during such time: Provided, that if the duty of signing warrants and checks is so assigned, said board shall give proper notice immediately to State and local disbursing officials.

Sec. 3. Duties of superintendent as secretary to the board of education. County and city superintendents shall be ex officio secretary to their respective boards of education. As secretary to the board of education, the superintendent shall record all proceedings of the board, issue all notices and orders that may be made by the board, and otherwise be executive officer of the board of education. He shall see that the minutes of the meetings of the board of education are promptly and accurately recorded in the minute book which shall be kept in the office of the board of education and be open at all times to public inspection. It shall be the duty of every superintendent to visit the schools of his unit, to keep his board of education informed at all times as to the condition of the school plants in his administrative unit, and to make immediately provisions to remedy any unsafe or unsanitary conditions existing in any school building.

It shall be the duty of every superintendent to attend professional meetings conducted by the State Superintendent of Public Instruction and such other professional meetings are are necessary to keep him informed on educational matters.

It shall be the duty of every superintendent to furnish as promptly as possible to the State superintendent when requested by him, information and statistics on any phase of the school work in his administrative unit.

The superintendent shall have authority to administer oaths to teachers and all other school officials when an oath is required of the same.

Sec. 4. Duties of superintendents toward school personnel. It shall be the duty of the superintendent to keep himself thoroughly informed as to all policies promulgated and rules adopted by the State Superintendent of Public Instruction and the State Board of Education, for the organization and government of the public schools. The superintendent shall notify and inform his board of education, the school committees, supervisors, principals, teachers, janitors, bus drivers, and all other persons connected with the public schools, of such policies and rules. In the performance of these duties, the superintendent shall confer, work, and plan with all school personnel to achieve the best methods of instruction, school organization and school government.

The superintendent shall hold each year such teachers' meetings and study groups as in his judgment will improve the efficiency of the instruction in the schools of his unit.

The superintendent shall distribute to all school personnel all blanks, registers, report cards, record books, bulletins, and all other supplies and information furnished by the State Superintendent and the State Board of Education and give instruction for their proper use.

If the superintendent shall fail in these duties, or such other duties as may be assigned him, he shall be subject, after notice, to an investigation by the State Superintendent or by his board of education for failure to perform his duties. For persistent failure to perform these duties, his certificate may be revoked by the State Superintendent, or he may be dismissed by his board of education.

Sec. 5. Superintendent to approve and record election of principals and teachers. It shall be the duty of the county superintendent to approve, in his discretion, the election of all teachers and personnel by the several school committees of the administrative unit. He shall then present the names of all principals, teachers and other school personnel to the county board of education for approval or disapproval, and he shall record in the minutes the action of the board in this matter.

It shall be the duty of the city superintendent to record in the minutes the action of the city board of education in the election of all principals, teachers and other school personnel elected upon the recommendation of the superintendent.

Sec. 6. Superintendent to prepare organization statement and request for teachers. On or before the twentieth day of May in each year, the superintendent of each administrative unit shall present to the State Board of Education a statement, certified by the chairman of the board of education and the superintendent, showing the organization of the schools in his unit, together with such other information as said board may require. On the basis of such organization statement, together with all other available information, and under such rules and regulations as the State Board

of Education may promulgate, said board shall determine for each administrative unit, by districts, the number of elementary and high school teachers to be included in the State budget on the basis of the average daily attendance for the preceding year. The highest average daily attendance for a continuous six months' period of the first seven months of the preceding school year shall be used as a basis for such allotment: Provided, that loss in attendance due to epidemics shall be taken into consideration in the initial allotment of teachers: Provided further, that the superintendent of an administrative unit shall not be included in the number of teachers and principals allotted on the basis of average daily attendance.

It shall be the duty of the superintendent and the board of education of each administrative unit, after the opening of the schools in said unit, to make a careful check of the school organization and to request the State Board of Education to make changes in the allocation of teachers to meet changed requirements of the said unit.

Sec. 7. Superintendents shall keep proper financial records. It shall be the duty of each superintendent to keep in his office a complete, accurate and detailed record of all financial transactions of his board of education. Such records shall be kept in accordance with modern accounting methods and as prescribed and approved by the State Board of Education. If any superintendent shall fail to keep the records of the acts of the board of education so that they may be audited in accordance with law, the board of education may remove him from office.

Sec. 8. County superintendents shall keep record of local taxes. County superintendents shall keep a separate financial record of each special taxing district in the county and no part of any funds belonging to one district shall be used for any other district, or for any other purpose than to meet the lawful expenses of such district to which the funds collected belong. The superintendent shall not sign any voucher to pay out the funds of any special taxing district unless he is authorized to do so by a written order signed by the chairman of the committee of the district: Provided, that he may sign salary vouchers for teachers duly elected by the committee as the same may become due.

Sec. 9. Record of fines, forfeitures, and penalties. It shall be the duty of the county superintendent to keep a record of all fines, forfeitures and penalties due the school fund, and to this end all county officials who in any way handle such funds shall on demand report the same to the county superintendent; and he shall see that these funds are deposited with the treasurer and placed to the credit of the school fund. The county accountant or auditor shall furnish the superintendent on the first day of each month a list in detail of all such funds that may have been paid into the school fund during the preceding month.

Sec. 10. Superintendents must furnish boundaries of special taxing districts. It shall be the duty of county superintendents, and of city superintendents where their administrative units are not coterminous with city or township limits, to furnish tax listers at tax listing time the boundaries of each taxing district and city administrative unit in which a special tax

will be levied to the end that all property in such district or unit may be properly listed.

Sec. 11. Disbursement of local funds. County and city local school funds shall be disbursed in the same manner as State school funds are disbursed. It shall be the duty of the county superintendent in addition to approving and signing State vouchers to approve and sign all vouchers for the disbursement of all county and district funds except funds belonging to a city administrative unit. The county treasurer shall honor no voucher that is not first approved and signed by the county superintendent. No voucher shall be signed by the county or city superintendent for more money than is provided in the county or city school budget. The county superintendent shall not sign a voucher drawn on district funds for more money than is apportioned to or raised by the special tax during the fiscal year of a special taxing school district.

County and city superintendents shall not approve and sign the voucher of any teacher who does not hold a certificate as required by law, nor for more money than the salary schedule in force in the city administrative unit or special taxing district entitles the teacher to receive.

It shall be the duty of county and city superintendents to sign all vouchers issued by order of their respective boards of education and signed by the chairman, and no voucher shall be paid by the county or city treasurer that is not thus signed.

Sec. 12. Superintendent shall not pay teacher without contract. No voucher for the salary of a principal or teacher shall be signed by the county or city superintendent unless a copy of the contract has been filed with him: Provided, that substitute and interim teachers may be paid under rules of the State Board of Education.

Sec. 13. When superintendent may withhold pay of teachers. The chairman and secretary of a county or city board of education may refuse to sign the salary voucher for the pay of any supervisor, principal or teacher who delays or refuses to render such reports as are required by law. But whenever the reports are delivered in accordance with law, the vouchers shall be signed and the supervisor, principal, or teacher paid.

Sec. 14. Superintendents may suspend principals and teachers. County and city superintendents shall have authority to suspend any principal or teacher who shall fail, or who may be incompetent, to give instruction in accordance with the directions of the superintendent, or who shall wilfully refuse to cooperate in teachers' meetings: Provided, that any principal or teacher who may be suspended by the superintendent, shall have the right to appeal first to the board of education and then, if not satisfied, to the courts.

Sec. 15. City superintendents, powers, duties and responsibilities. All the powers, duties and responsibilities imposed by law upon the superintendents of county administrative units shall, with respect to city administrative units, be imposed upon, and exercised by, the superintendents of city administrative units, in the same manner and to the same extent,

insofar as applicable thereto, as such powers and duties are exercised and performed by superintendents of county administrative units with reference to said county administrative units.

ARTICLE 7

School Committees—Their Duties and Powers

Section 1. Eligibility and oath of office. Each school committeeman shall be a person of intelligence, of good moral character, of good business qualifications, and one who is known to be in favor of public education and who resides in the district; and before entering upon the duties of his office, he shall take oath for the faithful performance thereof, which oath may be taken before the county superintendent.

No person, while employed as teacher in either a public school or a private school, or while serving as a member of any county or city board of education or serving as an employee of the schools or who is prohibited by Article XIV, Section seven, of the Constitution, shall be eligible to serve as a member of a district committee.

Sec. 2. School committees. At the first regular meeting during the month of April, one thousand nine hundred fifty-seven, or as soon thereafter as practicable, and biennially thereafter, the county board of education named by the General Assembly which convened in January of such year or elected at the preceding general election, as the case may be, shall elect and appoint school committees for each of the several districts in their counties, consisting of not less than three, nor more than five persons for each school district, whose term of office shall be for two years; provided, that in the event of death, resignation or removal from the district of any member of said school committee, the county board of education shall be empowered to select and appoint his or her successor to serve the remainder of the term; provided, that in units desiring the same, by action of the county board of education one-third of the members may be selected for a term of one year, one-third of the members for a term of two years, and one-third of the members for a term of three years, and thereafter all members for a term of three years from the expiration of said terms. This Section shall not have the effect of repealing any local or special Acts relating to the appointment or terms of office of school committees.

The county board of education may appoint an advisory committee of three members for each school building in the district, who shall care for the school property and perform such other duties as may be defined by the county board of education.

Sec. 3. Organization of committee and meetings. The school committee, at its first meeting after the membership has been completed by the county board of education, shall elect from its number, a chairman and secretary, who shall keep a record of its proceedings in a book to be kept for that purpose, which shall be open to public inspection. The names and addresses of the chairman and secretary shall be reported to the county superintendent and recorded by him. The committee shall meet as often as the school business of the district may require.

Sec. 4. How to employ principals, teachers, and janitors. The district committee, upon the recommendation of the county superintendent of schools, shall elect the principals for the schools of the district, subject to the approval of the county board of education. The principal of the district shall nominate and the district committee shall elect the teachers for all the schools of the district, subject to the approval of the county superintendent of schools and the county board of education. Likewise, upon the recommendation of the principal of each school of the district, the district committee shall appoint janitors and maids for the schools of the district, subject to the approval of the county superintendent of schools and the county board of education. No election of a principal or teacher, or appointment of a janitor or maid, shall be deemed valid until such election or appointment has been approved by the county superintendent and the county board of education. No teacher under eighteen years of age may be employed, and the election of all teachers and principals and the appointment of all janitors and maids shall be done at regular or called meetings of the committee.

In the event the district committee and the county superintendent are unable to agree upon the nomination and election of a principal or the principal and the district committee are unable to agree upon the nomination and election of teachers or appointment of janitors or maids, the county board of education shall select the principal and teachers and appoint janitors and maids, which selection and appointment shall be final.

The distribution of the teachers and janitors among the several schools of the district shall be subject to the approval of the county board of education.

Sec. 5. Committee's responsibility as to school property. It shall be the duty of the school committee to protect all school property in its district. To this end, it is given custody of all schoolhouses, schoolhouse sites, grounds, textbooks, apparatus, and other school property in the district, with full power to control same as it may deem best for the interests of the public schools and the cause of education, but not in conflict with the rules and regulations of the county board of education. It shall be the duty of the committee to report any misuse or damage of school property immediately to the county board of education: Provided, that if the committee is unable or shall fail to take due care of all school property of the district, the county board of education may designate some responsible citizen of the district to have special charge of the property during vacation.

SUBCHAPTER III. SCHOOL DISTRICT ORGANIZATION

ARTICLE 8

Creating and Consolidating School Districts

Section 1. School districts. The State Board of Education, upon the recommendation of the county board of education, shall create in any county administrative unit a convenient number of school districts. Such district organization may be modified in the same manner in which it was created when it is deemed necessary.

Nothing in this Section shall prevent city administrative units from consolidating with county administrative units in which such city administrative unit is located, upon petition of the board of education of the city administrative unit and the approval of the county board of education and of the State Board of Education: Provided, that nothing in this Section shall affect the right of any city administrative unit or special tax district which now exists for the purpose of retiring debt service, to have the indebtedness of such district taken over by the county as provided by law, and nothing herein shall be construed to restrict the county board of education or the board of county commissioners in causing such indebtedness to be assumed by the county as provided by law.

Sec. 2. Districts formed of portions of contiguous counties. School districts may be formed out of contiguous counties by agreement of the county boards of education of the respective counties subject to the approval of the State Board of Education. Rules for the organization, support and operation of districts so formed are subject to the agreement of the boards of education concerned, and as a guide to the working out of such agreements the formulas contained in the Section entitled "Elections in districts from portions of contiguous counties" in the Article on elections for school purposes in this Chapter should be followed as far as applicable.

Sec. 3. Consolidation of districts and discontinuance of schools. County boards of education shall have the power and authority to consolidate schools located in the same district, and with the approval of the State Board of Education, to consolidate school districts or other school areas over which the board has full control, whenever and wherever in its judgment the consolidation will better serve the educational interests of the county or any part of it: Provided, existing schools having suitable buildings shall not be abolished until the county board of education has made ample provisions for transferring all children of said school to some other school.

In determining whether two or more public schools shall be consolidated, or in determining whether or not a school shall be closed and the pupils transferred therefrom, the State Board of Education and the boards of education of the several counties shall observe and be bound by the following rules, to wit:

1. In any question involving the discontinuance or consolidation of any high school with an average daily attendance of sixty or more pupils, the board of education of the county in which such school is located and the State Board of Education shall cause a thorough study of such school to be made, having in mind primarily the welfare of the students to be affected by a proposed consolidation and including in such study, among other factors, geographic conditions, anticipated increase or decrease in school enrollment, the inconvenience or hardship that might result to the pupils to be affected by such consolidation, the cost of providing additional school facilities in the event of such consolidation, and the importance of such school to the people of the community in which the same is located

and their interest in and support of same. Before the entry of any order of consolidation, the county board of education shall provide for a public hearing in regard to such proposed consolidation, at which hearing the county and State boards of education and the public shall be afforded an opportunity to express their views. Upon the basis of the study so made and after such hearing, said boards may, in the exercise of their discretion and by concurrent action, approve the consolidation proposed: Provided, however, that when a high school is ordered closed, pursuant to law, the pupils attending such school may be assigned to another high school, if the board of education of the administrative unit in which such school is located consents to such assignment.

2. Provision shall not be made by the State Board of Education for the operation of a high school with an average daily attendance of less than sixty pupils unless the State Board of Eduction and the State Superintendent of Public Instruction, after a careful survey by them, find that geographic or other conditions make it impractical to provide for such pupils otherwise. Upon such finding, the State Board of Education may make provision for the operation of such school.

3. Notwithstanding the limitations imposed by the provisions of subsection two of this Section, the State Board of Education shall make provision for the continued operation of any high school now operating in any county administrative unit and having an average daily attendance of at least forty-five but fewer than sixty pupils, and shall allot to such school the number of teachers to which it may be entitled pursuant to law and rules of the State Board of Education if the continued operation of such school be requested by the board of education of such county by the inclusion of such school in the organization statement for the following year filed pursuant to the provisions of law: Provided, however, that at the time of making such request, the county board of education presents to the State Board of Education a certified statement that it has on hand and allocated for such purpose sufficient funds to pay the salaries, in accordance with the State standard salary schedule, of such additional teacher or teachers for said school as may be required in order to comply with minimum teacher requirements for a standard high school as now or hereafter defined and sufficient funds to pay the county's contribution for such teacher or teachers to the Teachers' and State Employees' Retirement System of North Carolina, as provided by G. S. 135-8 (c), and that said county board of education will employ such teacher or teachers.

For the purpose of providing the funds required by the proviso of this subsection, the boards of commissioners of the several counties are authorized to appropriate nontax funds, and the several county boards of education are authorized to accept and use privately donated funds.

4. The provisions of this Section shall not deprive any city or county board of education of the authority to assign or enroll any and all pupils in schools in accordance with the provisions of Chapter 366 of the Session Laws of 1955.

Sec. 4. Enlarging tax districts and city units by permanently attaching contiguous property. The county boards of education with the approval

of the State Board of Education may transfer from nontax territory and attach permanently to local tax districts or to city administrative units, real property contiguous to said local tax districts or city administrative units, upon the written petition of the owners thereof and the taxpayers of the family or families living on such real property, and there shall be levied upon the property of each individual in the area so attached, including landowners and tenants, the same tax as is levied upon other property in said district or unit: Provided, that such transfer shall be subject to the approval of the board of education of such city unit or the committee of such tax district, as the case may be.

SUBCHAPTER IV. REVENUE FOR THE PUBLIC SCHOOLS

ARTICLE 9

County and City Boards of Education and Budgets

Section 1. Objects of expenditure for the operation of the public schools. The objects of expenditure for the operation of the public school system shall be listed by county and city boards of education in the school budget under three separate funds: A. The current expense fund; B. the capital outlay fund; and C. the debt service fund.

A. The current expense fund shall include:

1. General control. Salaries and travel of superintendent, assistant superintendent, business manager, and attendance officer; salaries of clerical assistants, property cost clerks, and the treasurer, including cost of his bond; per diem and travel of board of education; office expenses, cost of audit, elections and attorneys' fees and other necessary expenses of general control.

2. Instructional service. Salaries of elementary and high school teachers and principals; salaries, travel, and office expense of supervisors; salaries and travel of teachers of vocational education including agriculture, home economics, trades and industries and distributive education; clerical and travel expenses of principals; commencement expenses; and instructional supplies.

3. Operation of plant. Wages of janitors, cost of fuel, water, light, power, janitors' supplies, and telephones in school buildings.

4. Maintenance of plant. Cost of repairs to buildings and grounds, including salary of the superintendent of grounds, and teacherages; repairs and replacements of furniture and instructional apparatus, and repairs and replacements of heating, electrical and plumbing equipment.

5. Fixed charges. Cost of rents, insurance on buildings and equipment, workmen's compensation, compensation to injured employees, payment for injuries to school children, retirement paid to the State and paid to employees, and tort claims.

6. Auxiliary agencies. Cost of transportation, including wages of drivers, gas, oil and grease; gas storage and equipment; salaries of mechanics, repair parts and batteries; tires and tubes; insurance, license and title fees; garage equipment, contract transportation, major replacements of chassis and bodies, and bus travel of principals; cost of operation and maintenance

of school libraries; replacement and rental of textbooks including salaries of clerical assistants; health, including clinics and recreation; aid to indigent pupils; night schools; summer schools; adult education; lunchrooms; veterans' training; and interest on temporary loans.

B. The capital outlay fund shall provide for the purchase of sites, the erection of all school buildings properly belonging to school plants, improvement of new school grounds, alteration and addition to buildings, purchase of furniture, equipment, trucks, automobiles, school buses, and other necessary items for the better operation and administration of the public schools in the following divisions:

1. New buildings and grounds. Cost of sites, new buildings, heating, plumbing and electrical equipment, furniture and instructional apparatus, architect and engineering fees, and other proper costs.

2. Old buildings and grounds. Cost of additional sites and improvement of grounds, alterations and additions to existing buildings, installing new heating, electrical or plumbing systems, and adding additional furniture and instructional apparatus.

3. Auxiliary agencies. Cost of new library and textbooks, new school buses operated for first time as an addition to fleet, activity buses, garage building and equipment, new and additional equipment for the superintendent's office, and interest on temporary loans for capital outlay fund.

C. The debt service fund shall provide for the payment of principal and interest on indebtedness incurred for school purposes, as such principal and interest fall due, and the payment of moneys required to be paid into sinking funds. The term "indebtedness", as used in this Article, includes bonds, notes and State loans, including, in the case of the county debt service fund, indebtedness assumed by the county as well as indebtedness incurred by the county. Where the indebtedness for school purposes of any city, town, school district, school taxing district, township, city administrative unit or other political subdivision in a county (hereinafter referred to in this Article as "local district") has not been assumed by the county, the county debt service fund shall provide for payment, apportioned on a per capita basis as provided in subsection 4, Section 3 of this Article, of principal and interest on indebtedness of local districts, as such principal and interest fall due, and for payment of moneys required to be paid into sinking funds of local districts.

D. Other objects of expenditure may be included in the school budget when authorized by the General Assembly, the State Board of Education, or county and city boards of education, when funds for the same are made available.

Sec. 2. Objects of expenditure included in State budget. The appropriation of State funds, as provided by law, shall be used for meeting the cost of the operation of the public schools as determined by the State Board of Education, for the following items:

1. General control:
   a. Salary of superintendent.
   b. Travel of superintendent.

c. Salaries of clerical assistants.
d. Salaries of property and cost clerks.
e. Office expenses.
f. Per diem and travel of county board of education.

2. Instructional service:
a. Salaries of elementary and high school teachers.
b. Salaries of elementary and high school principals.
c. Salaries of supervisors.
d. Instructional supplies.

3. Operation of plant:
a. Wages of janitors.
b. Fuel.
c. Water, light, and power.
d. Janitor's supplies.
e. Telephones.

4. Fixed charges, compensation:
a. School employees.
b. Injuries to school pupils.
c. Tort claims.

5. Auxiliary agencies:
a. Transportation of pupils:
(1) Wages of bus drivers.
(2) Gas, oil and grease.
(3) Gas storage equipment.
(4) Salaries of mechanics.
(5) Repair parts and batteries.
(6) Tires and tubes.
(7) License and title fees.
(8) Garage equipment.
(9) Contract transportation.
(10) Major replacements of chassis and bodies.
(11) Principals' bus travel.
b. Libraries: Supplies, repairs and replacements.
c. Child health program.

In making provision from State funds, the State Board of Education shall effect all economies possible in providing for all objects and items of expenditure except items of salary, and after such economies in all non-salary items, the board shall have authority to increase or decrease on a uniform percentage basis, the salary schedule of all personnel employed in order that the appropriation of State funds for the public schools may insure their operation for the full length of the term.

Sec. 3. Rules for the preparation of school budgets. 1. County-wide current expense fund budget. County and city boards of education shall file with the appropriate tax levying authorities on or before the fifteenth day of June, on forms provided by the State Board of Education, all budgets requesting funds to operate the public schools, whether such funds are to be provided by the State or from local sources. There shall be no

funds allotted for providing instruction to pupils for a term of more than one hundred eighty days either from State or local sources.

The county-wide current expense fund shall include all funds for current expenses levied by the board of county commissioners in any county to cover items for current expense purposes, and also all fines, forfeitures, penalties, poll and dog taxes, nontax funds, or any other funds, to be expended in the current expense budget and funds for vocational subjects, except those funds appropriated for such unit in the State budget.

In the preparation of the several school budgets, it shall be the first duty of county and city boards of education and the board of county commissioners to provide adequate funds for the items of expenditure included under maintenance of plant and the items under fixed charges not provided from State funds in order to protect and preserve the investment of the administrative units in the school plants.

When funds accruing by law to the board of education are not sufficient to repair, maintain and insure properly the school plants of an administrative unit, it shall be the duty of the board of county commissioners in which such unit is located to supplement these funds by a tax levy and said board is so directed and authorized.

In the event that county and city boards of education can by economy in management properly maintain, for use at all times, the school plants for a less amount than is placed to the credit of the school fund by law, it shall be in the discretion of such board of education with the approval of the board of county commissioners to use such excess to supplement any item of expenditure in its current expense fund.

When necessity is shown by county or city boards of education, or peculiar local conditions demand, for adding or supplementing items of expenditure not in the current expense fund provided by the State, the board of county commissioners may approve or disapprove, in part or in whole, any such proposed and requested expenditure. For those items it approves, it shall make a sufficient tax levy to provide the funds: Provided, that nothing in this Chapter shall prevent the use of Federal or privately donated funds which may be made available for the operation of the public schools under such regulations as the State Board of Education may prescribe.

2. Supplemental tax budget. In cases where administrative units or districts have voted, or may hereafter vote, a tax in order to operate schools of a higher standard than that provided by State support, county and city boards of education, at the same time the other budgets are filed, shall file a supplemental budget therefor and request that a sufficient levy be made by the tax levying authorities, not in excess of the rate voted by the people in such unit or district. The tax levying authorities may approve or disapprove this supplemental budget in whole or in part, and shall levy such taxes as necessary to provide for the approved budget for supplemental purposes, not exceeding the amount of the tax levy authorized by the vote of the people. The expenditure of the proceeds of said levy shall be in accordance with the aforesaid supplemental budget as approved by the tax levying authorities, except where such levy is voted in a district, in which case the written consent of the chairman of the district committee shall

also be obtained before any of said proceeds are expended: Provided, that the tax levying authorities may fix a charge against any administrative unit or district for collection of such levies not exceeding one per cent (1%) thereof.

3. Capital outlay budget. In the same manner and at the same time each county and city administrative unit may file with the board of county commissioners a capital outlay budget, subject to the approval of the said board.

4. Debt service budget. In the same manner and at the same time the county board of education shall file a budget for the school debt service fund of the county, and a budget for the debt service fund of each local district, the indebtedness of which has not been assumed by the county and when the payment of the principal and interest of such indebtedness is required to be provided for by taxes levied by the board of county commissioners. In like manner and at the same time the board of education of each city administrative unit, when such unit has outstanding indebtedness and the payment of principal and interest of such indebtedness is required to be provided for by taxes levied by a board or body other than the board of county commissioners, shall file a budget for the debt service fund of such unit. The budget for the debt service fund of the county shall include (a) the principal and interest on indebtedness of the county and assumed by the county falling due in the fiscal year for which the budget is prepared, (b) the installment payable in such fiscal year to a sinking fund for county indebtedness and (c) a per capita apportionment to each local district based upon (a) and (b) above, exclusive of installments payable to a sinking fund for the retirement of funding and refunding bonds or notes and the interest on the same, and computed with the last enrollment of the county unit and of such local district certified to the county accountant or county auditor by the State Board of Education: Provided, the inclusion of such per capita apportionment shall not supersede an apportionment provided for in any Public-Local or Private Law pursuant to which the bonds of such local district were issued: Provided, further, such per capita apportionment shall not exceed the amount of principal and interest of the indebtedness of the local district falling due in the fiscal year for which the budget is prepared and the installment payable in such fiscal year to a sinking fund for the retirement of bonds of such local district. The budget of each local district shall include the principal and interest on the indebtedness of such local district falling due in the fiscal year for which the budget is prepared and the installment payable in such fiscal year to a sinking fund for the retirement of indebtedness of such local district.

The county accountant shall examine the county debt service budget and the debt service budget of each local district, shall determine their accuracy and make his recommendation to the tax levying authorities. Accordingly, such tax levying authorities shall levy the taxes necessary and sufficient to pay all items contained in each such budget.

Sec. 4. Tax levying authorities must report action on budgets. The tax levying authorities shall report to the administrative units filing budgets

for local funds the action on said budgets on or before the tenth day of July of each year.

Sec. 5. Copies of all budgets must be filed with the State Board of Education. Copies of all school budgets for the current expense fund, the capital outlay fund and the debt service fund, after approval by local authorities as provided by this Article, shall be filed with the State Board of Education.

Sec. 6. Operating budget. It shall be the duty of the county and city boards of education, upon the receipt of the tentative allotment of State funds for operating the schools and the approval of all local funds budgets, including supplements to State funds for operating schools of a higher standard, funds for capital outlay and funds for debt service, to prepare an operating budget on forms provided by the State and file same with the State Superintendent of Public Instruction and the State Board of Education on or before the first day of October. Each operating budget shall be checked by the appropriate State school officials to ascertain if it is in accordance with the allotment of State funds and the approval of local funds; and when found to be in accordance with same, such budget shall be the total operating budget for said county or city administrative unit.

Sec. 7. Provision for the disbursement of State funds. The deposit of State funds in the State treasury to the credit of the county and city administrative units shall be made in monthly installments, at such time and in such a manner as may be practicable to meet the needs and necessities of the nine months school term in the various county and city administrative units: Provided, that prior to the crediting of any monthly installments, it shall be the duty of the county or city board of education to file with the controller of the State Board of Education a certified statement of all expenditures and of all salaries and other obligations that may be due and payable in the succeeding month, said statement to be filed on or before the first day of each month.

When it shall appear to the controller from said certified statement that any amounts are due and necessary to be paid, he shall draw a requisition on the Budget Bureau covering the same; and upon the receipt of notice from the State Treasurer showing the amount placed to their credit, the duly constituted authorities may issue State warrants in the amount so certified: Provided, that no funds shall be released for payment of salaries for administrative officers of county or city units if any reports required to be filed with the State school authorities are more than thirty days overdue.

Sec. 8. Fidelity bonds. The State Board of Education shall, in its discretion, determine what State and local employees shall be required to give bonds for the protection of State school funds and for the faithful discharge of their duties as to such funds; and, in cases in which bonds are required, the State Board of Education is authorized to place the same and pay the premiums thereon.

Boards of education in each county and city administrative unit shall cause all persons authorized to draw or approve school checks or vouchers drawn on school funds, whether county, district, or special, and all persons

who, as employees of such administrative units, are authorized or permitted to receive any school funds from whatever source, and all persons responsible for, or authorized to handle school property, to be bonded for the faithful discharge of their duties as to such school funds in such a manner as in the discretion of said county and city boards of education shall be deemed sufficient for the protection of said school funds or property with surety by some surety company authorized to do business in the State of North Carolina. The amount deemed necessary to cover the cost of such surety bond shall be included as an item in the current expense funds of the school budget of each school administrative unit and shall be paid from the funds provided therein; but nothing in this Section shall prevent the governing authorities of the respective administrative units from prorating the cost of such bond between the funds protected.

Sec. 9. Apportionment of local funds among administrative units. All county-wide current expense funds shall be apportioned to the administrative units of a county on a per capita enrollment basis which shall be determined by the State Board of Education and certified to each administrative unit.

County-wide capital outlay funds for the cost of new school sites, or addition to present school sites, new school buildings, new additional construction at existing buildings and equipment for such new buildings and for new additional construction shall be apportioned to the administrative units of a county on the basis of budgets approved by the board of county commissioners for each administrative unit and for the amounts and purposes approved by said board of commissioners. All other capital outlay school funds shall be apportioned to the administrative units of a county on the same per capita enrollment basis used for apportionment of current expense funds.

Upon the basis of budget approval and upon receiving the certificate of per capita enrollment, the county auditor or accountant shall determine the proportion of all county-wide tax and nontax revenue and other funds accruing to the current expense, and capital outlay funds, which is apportionable to the county and city administrative units within a county. The proportion thereof allocable to each administrative unit in said county shall be set up to the credit of such administrative unit by the county auditor or accountant.

On the basis of such apportionment, it shall be the duty of the county treasurer, or other county official performing such duties, to remit all of such funds for current expense and capital outlay as they are collected promptly at the end of each month to each administrative unit within the county.

In the event that a greater amount is collected and paid to any administrative unit than is authorized to be spent in its approved budget for current expense, and capital outlay funds, the same shall remain an unencumbered balance to be credited to those funds in the following fiscal year, and shall not be spent, committed, or obligated, unless a supplemental budget is first approved by the board of education and the board of county commissioners.

Collections of all taxes and other revenues accruing to a debt service fund shall be deposited promptly to the credit of such fund in the manner provided by law. Apportionments to local districts contained in the budget for the county debt service fund shall be paid and credited to the debt service funds of the local districts in such manner as may be practicable so as to provide for prompt payment of items of principal and interest therein, as the same fall due.

Funds derived from payments on insurance losses shall be used in the repair or replacement of buildings damaged or destroyed or, in the event the buildings are not replaced, shall be used to reduce the school indebtedness of the county or of the local district to which said payment has been made, or for other capital outlay purposes within said county or local district.

Sec. 10. Procedure in cases of disagreement or refusal of tax levying authorities to levy taxes. In the event of a disagreement between the county or city boards of education and the tax levying authorities as to the amount of the current expense fund, the capital outlay fund, and the debt service fund, or any item of either fund, the chairman of the county or city board of education and the presiding officer of the tax levying authorities shall arrange for a joint meeting of said boards within one week of the disagreement. At such joint meeting, the budget or budgets over which there is disagreement shall be gone over carefully and judiciously item by item. If agreement cannot be reached in this manner, the board of education whose budget is in question and the tax levying authorities shall each have one vote on the question of the adoption of these amounts in the budget. A majority of the members of each board shall cast the vote for each board.

In the event of a tie, the Clerk of the Superior Court shall act as arbitrator upon the issues arising between such boards and he shall render his decision thereon within five days, but either the board of education or the tax levying authorities shall have the right to appeal to the Superior Court within ten days from the date of the decision of the Clerk of the Superior Court, and it shall be the duty of the Judge hearing the case on appeal to find the facts as to the amount of the current expense fund, the capital outlay fund, and the debt service fund, which findings shall be conclusive and he shall give judgment requiring the tax levying authorities to levy the tax which will provide the amount of the current expense fund, the capital outlay fund, and the debt service fund, which he finds necessary to maintain the schools in the administrative unit. In case of an appeal to the Supreme Court which would result in a delay beyond a reasonable limit for levying the taxes for the year, the Judge shall order the tax levying authorities to levy for the ensuing year a rate sufficient to pay the debt service fund, and to produce, together with what may be received from the nine months' school fund and from other sources, an amount for the current expense fund and the prorated part of capital outlay fund equal to the amount of these funds for the previous year. Also, in case of an appeal, all papers and records relating to the case shall be considered a part of the record for consideration by the court.

The tax levying authorities shall forthwith levy the taxes according to the judgment rendered and upon refusal to do so, the members of said authority shall be in contempt and may be punished accordingly.

Sec. 11. Jury trial. The tax levying authorities or boards of education shall have the right to have the issues tried by a jury, as to the amount of the current expense fund and the capital outlay fund, which jury trial shall be set at the first succeeding term of the Superior Court, and shall have precedence over all other business of the court. Provided, that if the Judge holding the court shall certify to the Chief Justice of the Supreme Court, either before or during such term, that on account of the accumulation of other business, the public interest will be best served by not trying such action at said term, the Chief Justice shall immediately call a special term of the Superior Court for said county, to convene as early as possible, and assign a Judge of the Superior Court or an amergency Judge to hold the same, and the said action shall be tried at such term. There shall be submitted to the jury for its determination the issue as to what amount is needed to maintain the schools, and they shall take into consideration the amount needed and the amount available from all sources as provided by law. The final judgment rendered in such action shall be conclusive, and the tax levying authorities shall forthwith levy taxes in accordance with such judgment; otherwise those who refuse so to do shall be in contempt, and may be punishable accordingly: Provided, that in case of a mistrial or an appeal to the Supreme Court which would result in a delay beyond a reasonable limit for levying the taxes for the year, the Judge shall order the tax levying authorities to levy for the ensuing year a rate sufficient to pay the debt service fund, and to produce, together with what may be received from the State public school fund and from other sources, an amount for the current expense fund equal to the amount of this fund for the previous year.

Sec. 12. Operation of county and city school budget. 1. Duty of county and city boards of education. It shall be the duty of county and city boards of education to pay all obligations incurred in the operation of the public schools promptly and when due, and to this end said boards of education shall inform the tax levying authorities from month to month of any anticipated expenditures which will exceed the current collection of taxes and such balance as may be on hand, if any, for the payment of said obligations in order that the tax levying authorities may make provisions for the funds to be available: Provided, that if a county or city board of education shall wilfully create a debt that shall in any way cause the expense of the year to exceed the amount authorized in the budget, without the approval of the tax levying authorities, the indebtedness shall not be a valid obligation of the administrative unit and the members of the board responsible for making the debt may be held liable for the same.

2. Duty of the tax levying authorities. It shall be the duty of the tax levying authorities to provide, when and as needed, the funds to meet the monthly expenditures, including salaries and other necessary operating expenses, as set forth in a statement prepared by the county or city boards of education and which expenditures are in accordance with the approved

budget. If the collection of taxes does not yield sufficient revenue for this purpose, it shall be the duty of the tax levying authorities to borrow against the amount approved in the budget and to issue short term notes for the amount so borrowed in accordance with the provisions of "The County Finance Act" and "The Local Government Act". The interest on all such notes shall be provided by the tax levying authorities in addition to the amount approved in the budget, unless this item is specifically taken care of in the budget.

Sec. 13. How school funds are paid out. The school funds shall be paid out as follows:

1. State school funds. All State school funds shall be released only on warrants drawn on the State Treasurer, signed by the chairman and the secretary of the county board of education for county administrative units, and by the chairman and the secretary of the city board of education for city administrative units.

2. County, city, and district school funds. All county, city, and district school funds, from whatever source provided, shall be paid out only on warrants signed by the chairman and the secretary of the county board of education for county units and the chairman and the secretary of the city board of education for city administrative units. In county administrative units such warrants shall be countersigned by such officer as the county government laws may require and in city administrative units such warrants shall be countersigned by the treasurer of the administrative unit: Provided, the countersigning officer shall countersign warrants drawn as herein specified when such warrants are within the funds set up to the credit of, and are within the budget amounts appropriated for the particular administrative unit: Provided, further, that in county units before the chairman and secretary of the board of education shall draw a voucher on funds belonging to a local tax district, they shall have an order signed by the chairman of the committee of such district authorizing the expenditure of such funds.

3. When signatures of chairman and secretary may be affixed by machine. The signature of the chairman and the secretary of county and city boards of education required by this Section on school warrants may be affixed to such warrants by signature machines. When such machines are used on warrants drawn on the State Treasurer, the same may be used only in accordance with such rules and regulations as may be prescribed by the State Board of Education with the approval of the State Treasurer. The use of such signature machines shall not be employed in any county or city administrative unit until the governing board thereof has adopted a resolution authorizing the use of same and accepting the full responsibility for any nonauthorized or improper use of such machines. In all cases where such signature machines are used, the secretary to the county board of education and the surety on his bond, or the secretary to the city board of education and the surety on his bond, shall be liable for any illegal, improper, or unauthorized use of such machines.

4. Special funds of individual schools. County and city boards of edu-

cation shall, unless otherwise provided for by law, designate the bank, depository, or trust company authorized to do business in North Carolina, in which all special funds of each individual school shall be deposited. Such funds shall be paid out only on checks signed by the principal of the school and the treasurer who has been selected by the respective boards of education: Provided, that the schools handling less than three hundred dollars ($300.00) in any school year may not be required, in the discretion of the boards of the respective units, to follow this procedure for depositing and disbursing funds.

In all schools a complete record shall be kept by the treasurer and reports made of all the money received and disbursed by him in handling funds of the school: Provided, that nothing in this Section shall prevent the depositing of all these special funds with the treasurer of the county or city administrative units and the disbursing of said funds upon the signatures of the chairman and secretary of the respective boards of education.

5. Records and reports. The State Superintendent of Public Instruction and the State Board of Education shall have full power and authority to make rules and regulations prescribing the manner in which records shall be kept by all county and city administrative units as to the expenditure of the current expense funds, the capital outlay funds and the debt service funds derived from local sources, and for making reports thereof to the State Superintendent of Public Instruction.

ARTICLE 10

The Treasurer:

His Powers, Duties and Responsibilities

in Disbursing School Funds

Section 1. Treasurer of school funds. 1. County school administrative unit. The county treasurer of each county shall be the treasurer of all county school funds and school district funds of the county school administrative unit. He shall receive and disburse all such school funds and shall keep such funds separate and distinct from all other funds.

Before entering upon the duties of his office, the county treasurer shall furnish bond in some surety company authorized to do business in North Carolina in an amount to be fixed by the board of county commissioners, which bond shall be a separate bond, not including liability for other funds, and shall be conditioned for the faithful performance of his duties as treasurer of the county school funds and district school funds of the county administrative unit, and for the payment to his successor in office of any unexpended balance of school moneys which may be in his hands. The board of county commissioners may from time to time, if necessary, require the county treasurer to increase the amount of his bond or furnish additional security.

In all counties in which the office of county treasurer has been abolished as authorized by G. S. 155-3, or when by any other law a bank or trust company has been substituted therefor such bank or trust company shall act as treasurer and depository of all county school funds and district school funds: Provided, however, that such bank or trust company acting

as treasurer of county school funds and district school funds shall not be required to maintain the system of bookkeeping and accounting imposed upon the county treasurer by G. S. 155-7, but the duty and responsibility of keeping and maintaining the accounting system as to county and district schools shall be the duty and responsibility of the county accountant or county auditor serving as such under the provisions of G. S. 153-115; provided, further, that nothing contained in this Section shall relieve the superintendent of any county administrative unit from maintaining such accounting system and furnishing such reports as are now or may hereinafter be imposed upon him by law.

2. City school administrative unit. Unless otherwise provided by law, the board of education of a city administrative unit shall appoint a treasurer of all the school funds of such unit. The treasurer so appointed shall continue to fill such position at the will of the board of education of such unit. No person authorized to make the expenditures or draw vouchers therefor, or to approve the same, shall act as treasurer of such funds.

Before entering upon the duties of his office, the treasurer of a city administrative unit shall file with the board of education a good and sufficient bond with surety by some surety company authorized to do business in North Carolina in an amount to be fixed by the board of education of such administrative unit, which shall be a separate bond, not including liability for any other funds, and shall be conditioned for the faithful performance of the duties of treasurer of the city administrative unit school funds and for the proper accounting for all such funds as may come into his possession by virtue of his office as treasurer and for payment to his successor in office of any unexpended balance of school moneys which may be in his hands. The amount of the bond shall not be less than one-half the total amount of money received by him or his predecessor during the previous year, and the board of education may from time to time, if necessary, require him to increase the amount of his bond, or furnish additional security.

The treasurer of city administrative unit school funds is hereby required to maintain and keep, with respect to said funds, like records and accounts and make such reports with respect to said funds as herein provided to be made, kept, and maintained by the treasurer of county and district school funds of county administrative units.

3. Special funds of individual schools. The county board of education of all county administrative units and the board of education of all city administrative units shall, by proper resolution duly recorded, appoint a treasurer of all special school funds for each school in the respective administrative unit. In all individual schools, a complete record shall be kept by the treasurer so appointed and reports made of all money received and from what source and of all money disbursed and for what purpose: Provided, however, that nothing in this subsection 3 shall prevent the handling of these special school funds under subsection 1 or subsection 2 of this Section. The treasurer of all special funds and the principal of each school shall make a monthly report and such other reports as may be required to the superintendent of the administrative unit wherein such individual school

is located, showing the status of each special school fund, upon forms to be supplied for that purpose.

Sec. 2. Action against treasurer to recover funds. If it shall appear that any part of the public school funds received by the county treasurer, or person or depository acting as treasurer, or the treasurer of a city administrative unit, has not been properly applied to the credit of the county or city board of education, as the case may be, such board or boards of education shall bring action on the bond of such official or depository to recover such part of the funds as has not been so applied to such board or boards of education. In the event such board does not bring appropriate action against the treasurer, or person or depository acting as treasurer, the tax levying authorities shall bring action in the name of the State for any breach of the bond of the treasurer of any school funds for any failure to account properly for the funds received by him. If the tax levying authorities shall fail to bring such action, it may be brought in the name of the State upon the relation of any taxpayer.

Sec. 3. Annual reports of treasurer. The treasurer of every county and city board of education shall report to the State Superintendent of Public Instruction on the first Monday of August of each year the entire amount of money received and disbursed by him during the preceding fiscal year. Such reports shall be made on blanks furnished by the State Superintendent and all information called for on such blanks shall be furnished in detail and by item as may be requested on said report.

On the same date that the treasurer reports to the State Superintendent, he shall file a duplicate of such report in the office of the county or city board of education, as the case may be. Likewise, the treasurer of every county or city school fund shall make such other reports as the board of education may from time to time require.

The treasurer of every school fund shall, when required by the county or city board of education, produce his books and vouchers for examination and shall also exhibit all moneys due the public school fund.

Sec. 4. Duties of treasurer on expiration of his term. Each treasurer of public school funds, in going out of office, shall deposit in the office of the board of education of the administrative unit of which he is treasurer his books in which are kept his school accounts and all records and blanks pertaining to his office. He shall at the time he goes out of office, file with the board of education and with his successor, a report, itemized as required by law, covering the receipts and disbursements for that part of the fiscal school year from the thirtieth of June preceding to the time at which he turns over his office to his successor, and his successor shall include in his report to the State Superintendent of Public Instruction and to the superintendent of the administrative unit the receipts and disbursements for the current fiscal year as a whole.

Sec. 5. Penalty for failure to report and to perform other duties. If any treasurer of the county or city administrative unit school fund shall fail to make reports required of him at the time and in the manner prescribed, or fail to perform any other duties required of him by law, he shall be

guilty of a misdemeanor and be fined or imprisoned in the discretion of the court.

Sec. 6. Speculating in teachers' salary vouchers. If any clerk, sheriff, register of deeds, county treasurer or other county, city, town or State officer shall engage in the purchasing of the salary voucher of any of the school personnel at a less price than its full and true value or at any rate of discount thereon, or be interested in any speculation thereon, he shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned and shall be liable to removal from office at the discretion of the court.

Sec. 7. Audit of school funds. All school funds shall be audited and reports made for each fiscal year.

1. State school funds. The State Board of Education, in cooperation with the State Auditor, shall cause to be made an annual audit of the State school funds disbursed by county and city administrative units and such additional audits as may be deemed necessary.

2. County and city administrative units and district school funds. County and city boards of education shall cause to be made an annual audit of all county, city, and district school funds including the records and accounts of the boards of education and those of their respective treasurers, and the school boards shall provide for the payment of the cost thereof in the school budgets of the respective administrative units.

The auditor's report shall show: (1) Sources of revenue and purposes for which expenditures were made; (2) comparison of approved school budget with the actual transactions; (3) statement of outstanding indebtedness, including county school bonds, amounts due the county or city board of education, and all unpaid accounts; (4) appraisal of all school property; and (5) such other items as may be prescribed by the county or city boards of education and the Local Government Commission and which will aid in making a complete audit.

The annual audits shall be completed as near to the close of the year as practicable and copies of said audit shall be filed with the chairman of the board of education, the superintendent of schools, the county auditor, the State Board of Education, the director of the Local Government Commission and the State Superintendent of Public Instruction not later than October the first after the close of the fiscal year on June the thirtieth. By October the first after the close of the fiscal year, a summary statement of the report on the audit shall be published in some newspaper published in the county, or posted at the courthouse door if no newspaper is published in such county.

3. Special funds of individual schools. County and city boards of education shall cause to be made, at the same time the audit of the county or city funds is made, an audit of the special school funds of each school in the respective administrative units. Such annual audits shall be completed as near the close of the year as practicable and copies of each audit shall be filed with the chairman of the board of education and the superintendent of schools of the administrative unit in which the school is located and the State Board of Education not later than October the first after the close of the fiscal year on June the thirtieth.

4. Payment of audit cost. County and city boards of education shall include in the school budgets of the respective administrative units funds for the payment of the costs of the audits of county, city, district, and special funds of individual schools as required under subsections 2 and 3 of this Section: Provided, that nothing in this Section shall prevent the respective boards from prorating the cost of auditing of special funds to the special funds of each school.

Sec. 8. Fines, forfeitures and penalties. It shall be the duty of every public officer, including clerks of the several courts and all justices of the peace, as well as all others in any way related or connected with the assessing, collecting and handling of any of those funds mentioned in the Constitution, Article IX, Section 5, which shall belong to and remain in the several counties and which shall be faithfully appropriated for establishing and maintaining the free public schools:

1. To keep in a proper record book supplied by the county an itemized, detailed statement of the respective amounts received by him in the way of fines, penalties, amercements and forfeitures.

2. To account for and pay to the county treasurer all of said funds received by him within thirty days after the receipt thereof, to the end that all of said funds may be faithfully appropriated by the county board of education for the purposes mentioned in the Constitution.

3. To enter immediately upon the docket or record book all of said funds which are assessed, and which shall not be remitted except for good and sufficient reasons, which reasons shall be stated on the docket and at all times be open to public inspection.

4. Any officer, including justices of the peace, violating any of the provisions of this Section, shall be guilty of a misdemeanor and upon conviction shall be punished by fine or imprisonment at the discretion of the court.

Sec. 9. Unclaimed fees of jurors and witnesses paid to school fund. All moneys due jurors and witnesses which remain unclaimed in the hands of any Clerk of the Superior Court or of the clerk of any inferior court for more than one year shall be paid over to the county treasurer by the clerk of said court, on the first day of January, of each year, for the use of the public schools. All such moneys shall be used as other public school revenue.

Sec. 10. Miscellaneous funds. It shall be the duty of the county superintendent of schools at least once a year and as directed by the county board of education to examine the records of the county to see that the proceeds from the poll taxes and the dog taxes where applicable are correctly accounted for to the school fund each year; he shall likewise examine the records of the several courts of the county, including justices of the peace, and their reports filed with the Clerk of the Superior Court, to see that all fines, forfeitures, and penalties, and any other special funds accruing to the county school fund are correctly and promptly accounted for to the school fund; and if the superintendent shall find that any such taxes or fines are not correctly and promptly accounted for to the school

fund, it shall be the duty of the superintendent to make a prompt report thereof to the solicitor of the Superior Court in the district.

It shall be unlawful for any of the proceeds of fines, forfeitures, penalties and other funds accruing to the public school fund to be used for other than school purposes, and the official responsible for any diversion of such funds to other purposes shall be guilty of a misdemeanor and, upon conviction, shall be punishable by fine or imprisonment, in the discretion of the court. The clear proceeds of such funds shall be accounted for by the officers collecting the same, and no deductions shall be made therefrom for fees or commissions. Any court officer, including justices of the peace, who shall wilfully fail or refuse to account for all such funds coming into the hands of such officer, shall upon conviction thereof, be guilty of a felony and punished as provided by law in cases of embezzlement.

ARTICLE 11

Loans from State Literary Fund

Section 1. Loans by State Board from State Literary Fund. The State Literary Fund includes all funds derived from the sources enumerated in Section four, Article IX, of the Constitution, and all funds that may be hereafter so derived, together with any interest that may accrue thereon. This fund shall be separate and distinct from other funds of the State.

The State Board of Education, under such rules and regulations as it may deem advisable, not inconsistent with the provisions of this Article, may make loans from the State Literary Fund to the counties for the use of county and city boards of education under such rules and regulations as it may adopt and according to law for the purpose of aiding in the erection and equipment of school plants. No warrant for the expenditure of money for such purposes shall be issued except upon the order of the State Superintendent of Public Instruction with the approval of the State Board of Education.

Sec. 2. Terms of loans. Loans made under the provisions of this Article shall be payable in ten installments, shall bear interest at a uniform rate determined by the State Board of Education not to exceed four per centum (4%), payable annually, and shall be evidenced by the note of the county, executed by the chairman, the clerk of the board of county commissioners, and the chairman and secretary of the county or city board of education, and deposited with the State Treasurer. The first installment of such loan, together with the interest on the whole amount then due, shall be paid by the county or city board on the tenth day of February after the tenth day of August subsequent to the making of such loan, and the remaining installments, together with the interest, shall be paid on the tenth day of February of each subsequent year until all shall have been paid.

Sec. 3. How secured and paid. At the January meeting of the board of education, before any installment shall be due on the next tenth day of February, the county or city board of education shall set apart out of the school funds an amount sufficient to pay such installment and interest to be due, and shall issue its order upon the treasurer of the county or city

school fund therefor, who, prior to the tenth day of February, shall pay over to the State Treasurer the amount then due. Upon failure of any administrative unit to pay any installment of principal or interest, or any part of either, when due, the State Treasurer, upon demand of the State Board of Education, shall bring action against the county or city board of education and board of county commissioners to compel the levy and collection of sufficient taxes to pay said installment of principal and accrued interest. The State Board of Education may accept payment of any or all of said notes and the interest accrued thereon before maturity.

Sec. 4. Loans by county board to school districts. The county board of education, from any sum borrowed under the provisions of this Article, may make loans only to districts that shall have levied a local tax sufficient to repay the installments and interest on said loan for the purpose of building schoolhouses in the district, and the amount so loaned to any district shall be payable in ten annual installments, with interest thereon at the same rate the county board of education is paying, payable annually. Any amount loaned under the provisions of this law shall be a lien upon the total local tax funds produced in the district. Whenever the local taxes may not be sufficient to pay the installments and the interest, the county board of education must supply the remainder out of the current expense fund, and shall make provision for the same when the county budget is made and presented to the commissioners.

All loans hereafter made to such districts shall be made upon the written petition of a majority of the committee of the district asking for the loan and authorizing the county board to deduct a sufficient amount from the local taxes to meet the indebtedness to the county board of education. Otherwise, the county board of education shall have no lien upon the local taxes for the repayment of this loan: Provided, this lien shall not lie against taxes collected or hereafter levied to pay interest and principal on bonds issued by or on behalf of the district.

Sec. 5. State Board of Education authorized to accept funding or refunding bonds of counties for loans; approval by Local Government Commission. In any case where a loan has heretofore been made from the State Literary Fund or from any special building fund of the State to a county and such county has heretofore or shall hereafter authorize the issuance of bonds for the purpose of funding or refunding interest on or the principal of all or a part of the notes evidencing such loan, the State Board of Education is hereby authorized to accept funding or refunding bonds or notes of such county in payment of interest on or the principal of the notes evidencing such loan: Provided, however, that the issuance of such funding or refunding bonds shall have been approved by the Local Government Commission.

Sec. 6. Issuance of bonds as part of general refunding plan. In any case where the funding or refunding of interest on or the principal of such notes shall constitute a part of a refunding plan or program of the county, and the terms of such funding or refunding shall be accepted by a sufficient number of the holders of the county's obligation to put same into effect, the State Board of Education may authorize the acceptance of such fund-

ing or refunding bonds or notes upon the same terms and conditions, both as to principal and interest, as have been agreed upon by a sufficient number of the other holders of the county's obligations to put same into effect.

Sec. 7. Validating certain funding and refunding notes of counties. That the notes of any county held by the State Board of Education which were heretofore issued in exchange for and for the purpose of refunding and retiring notes evidencing loans made from the State Literary Fund pursuant to Article twenty-four of Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-three, or from Special Building Funds pursuant to either Chapter one hundred and forty-seven of the Public Laws of one thousand nine hundred and twenty-one, or Article twenty-five of Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-three, or Chapter two hundred and one of the Public Laws of one thousand nine hundred and twenty-five, or Chapter one hundred and ninety-nine of the Public Laws of one thousand nine hundred and twenty-seven, are hereby declared to be valid existing indebtedness of said county incurred by said county for the maintenance of the six-months school term as required by the Constitution of North Carolina, nothwithstanding any lack of authority for the issuance of said notes or error or omission or irregularity in the Acts done or proceedings taken to provide for their issuance, and said notes held by the State Board of Education are hereby authorized to be refunded with bonds issued pursuant to the County Finance Act, being Chapter eighty-one of the Public Laws of one thousand nine hundred and twenty-seven, as amended.

Sec. 8. Special appropriation from fund. The State Board of Education may annually set aside and use out of the funds accruing in interest to the State Literary Fund, a sum not exceeding seventeen thousand five hundred dollars ($17,500.00) to be used for giving directions in the preparation of proper plans for the erection of school buildings in providing inspection of such buildings as may be erected in whole, or in part, with money borrowed from said fund, and such other purposes as said board may determine to secure the erection of a better type of school building and better administration of said fund.

ARTICLE 12

Assumption of School District

Indebtedness by Counties

Section 1. Method of assumption; validation of proceedings. The county board of education, with the approval of the board of commissioners, and when the assumption of such indebtedness is approved at an election as hereinafter provided, if such election is required by the Constitution, may include in the debt service fund in the school budget all outstanding indebtedness for school purposes of every city, town, school district, school taxing district, township, city administrative unit or other political subdivision in the county (hereinafter collectively called "local districts"), lawfully incurred in erecting and equipping school buildings necessary for the school term. The election on the question of assuming such in-

debtedness shall be called and held in accordance with the provisions of Article 9 of Chapter 153 of the General Statutes, known as "The County Finance Act", insofar as the same may be made applicable, and the returns of such election shall be canvassed and a statement of the result thereof prepared, filed and published as provided in the County Finance Act. No right of action or defense founded upon the invalidity of the election shall be asserted, nor shall the validity of the election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within 30 days after the publication of such statement of result. When such indebtedness is taken over for payment by the county as a whole and the local districts are relieved of their annual payments, the county funds provided for such purpose shall be deducted from the debt service fund prior to the division of such fund among the schools of the county as provided in subsection 4, Section 3, of Article 9.

The assumption, as herein provided, by any county, at any time prior to the twenty-eighth day of February, one thousand nine hundred fifty-one, of the indebtedness of local districts for school purposes and all proceedings had in connection therewith are hereby in all respects ratified, approved, confirmed and validated: Provided, that nothing herein shall prevent counties and local taxing districts from levying taxes to provide for the payment of their debt service requirements if they have not been otherwise provided for.

Sec. 2. Taxes levied and collected for bonds assumed to be paid into school debt service fund of county; discharge of sinking fund custodian. In any county where the bonds of a local district have been assumed under the provisions of this Article, all taxes levied and collected for the purpose of paying the principal of and interest on said bonds, or for creating a sinking fund for the retirement of said bonds, shall be deposited in the school debt service fund of the county. The custodian of all moneys and other assets of a sinking fund created for the retirement of said bonds is hereby authorized to turn over such moneys and assets to the county treasurer, the county sinking fund commissioner or other county officer charged with the custodianship of sinking funds, and such custodian shall thereby be discharged from further responsibility for administration of and accounting for such sinking fund.

Sec. 3. Allocation to district bonds of taxes collected. The collections of taxes levied for debt service on all taxable property of a county in which local district bonds have been assumed shall be proportionately allocated to each issue of such bonds.

ARTICLE 13

Refunding and Funding Bonds of School Districts

Section 1. "School district" defined. The term "school district", as used in this Article shall be deemed to include any special school taxing district, local tax district, special charter district, city administrative unit or other political subdivision of a county by which or on behalf of which bonds have been issued for erecting and equipping school buildings, or for refunding the same, and such bonds are outstanding.

Sec. 2. Continuance of district until bonds are paid. Notwithstanding the provisions of any law which affect the continued existence of a school district or the levy of taxes therein for the payment of its bonds, such school district shall continue in existence with its boundaries unchanged from those established at the time of issuance of its bonds, unless such boundaries shall have been extended and thereby embrace additional territory subject to the levy of such taxes, until all of its outstanding bonds, together with the interest thereon, shall be paid.

Sec. 3. Funding and refunding of bonds authorized; issuance and sale or exchange; tax levy for repayment. The board of commissioners of the county in which any such school district is located is hereby authorized to issue bonds at one time or from time to time for the purpose of refunding or funding the principal or interest of any bonds of such school district then outstanding. Such refunding or funding bonds shall be issued in the name of the school district and they may be sold or delivered in exchange for or upon the extinguishment of the obligations or indebtedness refunded or funded. Except as otherwise provided in this Article, such refunding and funding bonds shall be issued in accordance with the provisions of Sections 159-59 to 159-62 of the General Statutes and the Local Government Act, Sections 159-1 et seq. and Acts amendatory thereof and supplemental thereto. The tax levying body or bodies authorized by law to levy taxes for the payment of the bonds, the principal or interest of which shall be refunded or funded, shall levy annually a special tax on all taxable property in such school district sufficient to pay the principal and interest of said refunding or funding bonds as the same become due.

Sec. 4. Issuance of bonds by cities and towns; debt statement; tax levy for repayment. In case the governing body of any city or town is the body authorized by law to levy taxes for the payment of the bonds of such district, whether the territory embraced in such district lies wholly or partly within the corporate limits of such city or town, such governing body of such city or town is hereby authorized to issue bonds at one time or from time to time for the purpose of refunding or funding the principal or interest of any bonds then outstanding which were issued by or on behalf of such school district. Except as otherwise provided in this Article, such refunding and funding bonds shall be issued in accordance with the provisions of the Municipal Finance Act, as amended, relating to the issuance of refunding and funding bonds under that Act, and the provisions of the Local Government Act and Acts amendatory thereof and supplemental thereto, except in the following respects:

1. The bonds shall be issued in the name and on behalf of the school district by the governing body of such city or town.

2. It shall not be necessary to include in the ordinance authorizing the bonds, or in the notice required to be published after the passage of the ordinance, any statement concerning the filing of a debt statement, and, as applied to said bonds, Sections 160-379 and 160-383 of the General Statutes (the Municipal Finance Act), as amended, shall be read and understood as if they contained no requirements in respect to such matters.

3. The governing body of such city or town shall annually levy and collect a tax ad valorem upon all the taxable property in such school district sufficient to pay the principal and interest of such refunding or funding bonds as the same become due.

SUBCHAPTER V. SPECIAL LOCAL TAX ELECTIONS FOR SCHOOL PURPOSES

ARTICLE 14

School Areas Authorized to Vote Local Taxes

Section 1. Purposes for which elections may be called. 1. To vote a supplemental tax. Elections may be called to ascertain the will of the voters as to whether there shall be levied and collected a special tax in the several administrative units, districts, and other school areas, including districts formed from contiguous counties, to supplement the current expense funds from State and county allotments and thereby operate schools of a higher standard by supplementing any item of expenditure in the school budget. When supplementary funds are authorized by the carrying of such an election, such funds may be used to employ additional teachers, other than those allotted by the State, to teach any grades or subjects or for kindergarten instruction, and for making the contribution to the Teachers' and State Employees' Retirement System of North Carolina for such teachers, or for any object of expenditure.

2. To increase a supplemental tax rate. Elections may be called in any school area which has previously voted a supplemental tax of less than the maximum for the purpose of increasing the rate of tax previously voted but not to exceed the maximum.

3. To enlarge city administrative units and districts. Elections may be called in any district or districts, or other school areas, of a county administrative unit to ascertain the will of the voters in such areas as to whether there shall be levied a special tax of the same rate as that voted in an adjoining city administrative unit or district with which unit or district such territory is to be consolidated.

4. To supplement and equalize educational advantages. Elections may be called in any area of a county administrative unit which is enclosed in one common boundary line to ascertain the will of the voters as to whether there shall be levied and collected a special tax to supplement and equalize the standards on which the schools in such areas are operated, and at the same time repeal any special taxes heretofore voted by any part or parts of such area.

5. To abolish a special school tax. Elections may be called in any administrative unit, district or other school area which has previously voted a supplemental tax, to ascertain the will of the people as to whether such tax shall be abolished.

6. To vote school bonds. Boards of county commissioners are authorized as provided by law to call elections to ascertain the will of the voters as to whether bonds for school purposes may be issued.

Sec. 2. The maximum rate and frequency of elections. In no event shall a tax for supplementing the current expense fund budget exceed

fifty cents (50c) on the one hundred dollars ($100.00) valuation of property, real and personal.

In the event that a majority of those who shall vote in any election called under this Article do not at the election cast their vote for the local tax, another election under the provision of this Article may be held in the same unit, district, or area, after the lapse of six months.

Sec. 3. Who may petition for a school election. County and city boards of education may petition the board of county commissioners for an election in their respective administrative units or for any school area or areas therein.

In county administrative units, for any of the purposes enumerated in Section I of this Article, the school committee of a district, or a majority of the committees in an area including a number of districts, or a majority of the qualified voters who have resided for the preceding twelve months in a school area less than a district, and which area is adjacent to a city unit or a district to which it is desired to be annexed and which can be included in a common boundary with said unit or district, or the committee of a district formed from portions of two or more contiguous counties, may petition the county board of education for an election.

Sec. 4. Necessary information in petitions. The petition for an election shall contain such of the following information as may be pertinent to the proposed election:

1. Purpose or purposes for calling the proposed election.

2. A description of the area, by metes and bounds, in which the proposed election is requested.

3. The maximum rate of tax which is proposed to be levied.

4. If the petition is for an election to enlarge a city unit or district, it shall state therein that if a majority of those who shall vote thereon in such new territory, shall vote in favor of a "local tax of the same rate", the new territory shall become a part of said city unit or district, and the term "local tax of the same rate" herein, used, shall include, in addition to the usual local taxes, any tax levy to meet the interest and sinking funds of any school bonds heretofore issued by such city administrative unit or district which is enlarged, and which bonds, or other indebtedness, have not been otherwise provided for.

5. If the petition for an election is to supplement and equalize educational advantages, and if any school district or districts in the area in which it is proposed to vote such a tax have heretofore voted a supplementary tax, the petition and the notice of election shall state that in the event such election is carried, it will repeal all local taxes heretofore voted in any district except those in effect for debt service in any district, unless such debt service obligation is assumed by the county or otherwise provided for.

Sec. 5. Boards of education must consider petitions. The board of education to whom the petition requesting an election is addressed shall receive the petition and give it due consideration. If, in the discretion of the board of education, the petition for an election shall be en-

dorsed by the chairman and the secretary of the board and a record of the endorsement shall be made in the minutes of the board. Petitions for an election to enlarge a city administrative unit shall be subject to the approval and endorsement of both county and city boards of education which are therein affected: Provided, that when such a petition is endorsed by the city board of education and signed by a majority of the voters in the affected area, the election shall be called.

County and city boards of education shall have no discretion in granting an election to abolish a special school tax in any administrative unit, or district, or other school area, which has previously voted a supplemental tax, whenever a majority of the qualified voters residing in said unit, district or school area, shall petition for an election. When such a petition, showing the proper number of names of qualified voters, is presented to a board of education, it is hereby made mandatory that such petition shall be granted and the election held. If at the election a majority of those in the district who have voted thereon have voted "against local tax", the tax shall be deemed revoked and shall not be levied: Provided, that in Alexander, Anson, Beaufort, Buncombe, Carteret, Catawba, Chatham, Chowan, Cleveland, Craven, Currituck, Davidson, Duplin, Franklin, Gates, Greene, Henderson, Hoke, Hyde, Iredell, Jackson, Johnston, Lenoir, Martin, Mecklenburg, Moore, Nash, Onslow, Pamlico, Pitt, Randolph, Richmond, Robeson, Rockingham, Transylvania, Vance, Wake, Warren and Wilkes Counties, petition of twenty-five per cent (25%) of the number of voters in the election creating said special tax district, said petition to be signed by qualified voters residing in such special tax district, shall be sufficient.

The provisions of this Section as to abolishing local tax districts shall not be applied when such local tax district is in debt in any sum whatever, or has obligated or committed its resources in any contractual manner: Provided, that no election for revoking a local tax in any local tax district shall be ordered and held in the district within less than one year from the date of the election at which the tax was voted and the district established, nor at any time within less than one year after the date of the last election on the question of revoking the tax in the district; and no petition seeking to revoke a school tax shall be approved by a board of education more often than once a year.

If the petition for an election in an area containing a number of districts is signed by the school committeeman of at least a majority of the school districts within a proposed special school taxing area, the board of education in such administrative unit shall endorse such petition and the election shall be held.

Sec. 6. Action of board of county commissioners. Petitions requesting special school elections and bearing the approval of the board of education of the unit shall be presented to the board of county commissioners, and it shall be the duty of said board of county commissioners to call an election and fix the date for the same: Provided, that the board of education requesting the election may, for any reason deemed sufficient by said board which shall be specified and recorded in the minutes of the board, withdraw the petition before the close of the registration books, and if the petition

be so withdrawn, the election shall not be held unless by some other provision of law the holding of such election is mandatory.

Sec. 7. Rules governing elections for local taxes. In all elections held under this Article, the board of county commissioners shall designate the polling place or places, appoint the registrars and judges of election, canvass and judicially determine the results of said election when the returns have been filed with them by the officers holding the election, and record such determination on their records.

The notice of the election shall be given by publication at least three times in some newspaper published or circulated in the territory. It shall set forth the boundary lines of the district, the maximum rate of tax proposed to be levied, which shall not exceed the maximum prescribed by this Article, and the purpose of the tax. The first publication of such notice shall be at least thirty days before the election.

New registration of the qualified voters of the territory shall be ordered, unless the territory embraces an entire county or other organized political subdivision with current registration books; and in all cases a new registration may be ordered in the discretion of the board of county commissioners. Notice of said new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulated in said district at least twenty days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of voters and the place or places at which the books will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day, and except as otherwise provided in this Article, such election shall be held in accordance with the law governing general elections.

The ballots to be used in said election shall have written or printed thereon the words "For local tax" and "Against local tax" for all elections called under this Article except those called under number three of Section 1 of this Article, in which case the ballots shall have written or printed thereon the words "For local tax of the same rate" and "Against local tax of the same rate".

All other details of said election shall be fixed by the board of county commissioners ordering the election, and the expense of holding and conducting the election shall be provided by the board of education of the administrative unit in which the election is held: Provided, that where territory is proposed to be added to a city administrative unit, the expense shall be borne by such unit.

In all cases where an election is called and held under the provisions of this Article, and a majority of the qualified voters voting at such election voted in favor of the tax or of propositions submitted, and the results of such election have been officially determined and recorded in the minutes of the board of county commissioners, the validity of such election, and of the registration for such election, shall not be open to question except in

an action or proceeding commenced within thirty days after the determination of the results of such election.

Sec. 8. Elections in districts from portions of contiguous counties. Districts already created and those that may be created from portions of two or more contiguous counties, may hold elections under this Article to be incorporated or to vote a special local tax therein for the purposes enumerated in Section 1 of this Article.

Elections for either purpose must be initiated by petitions from the portion of each county included in the district, or the proposed district. In districts already created, the majority of the committeemen must sign the petition. In proposed districts, the petition must be signed by fifteen (15%) of the qualified voters who shall have resided in such area for the preceding twelve months. When the petitions shall have been approved by each of the boards of education of such contiguous counties, they shall then be presented by each of said boards of education to their respective boards of county commissioners.

The boards of commissioners of each of the contiguous counties, in compliance with the provisions of this Article relating to the conduct of local tax elections, shall then call and hold an election in that portion of the proposed district lying in its county. Election returns shall be made from each portion of the proposed district to the board of commissioners ordering the election in that portion, and the returns shall be canvassed and recorded as required in this Article for local tax districts.

If a majority of the voters who vote thereon in each of the counties shall vote in favor of the tax, or for incorporation, the election shall be determined to have carried in the whole district, and shall be so recorded in the records of the board of county commissioners in each county in which the district is located.

If the proposition submitted to the voters in the election is a question of incorporating the district, the ballots for this election shall have printed thereon the words "For incorporation" and "Against incorporation". If the election for incorporation is carried, the district is thereby incorporated and shall possess all the authority of incorporated districts.

In case the election carried in each portion of the proposed district, the several county boards of education concerned shall each pass a formal order consolidating the territory into one joint local tax district, which shall be and become a body corporate by the name and style of "..... Joint Local Tax School District of..... Counties". The county board of education having the largest school census and the largest area in the part of the joint local tax district lying in its county shall determine the location of the schoolhouse; but if the largest census and largest area do not both lie in the same county, then the county boards shall jointly select the site for the building; and in case of a disagreement they shall submit the question to a board of arbitration consisting of three members, one member to be named by each board of education if three counties are concerned, or if there are but two counties, then each board shall choose one member and the two so named shall select the

third member. The decision of this board of arbitration shall be binding on all county boards of education concerned.

The school committee shall consist of five members, three of whom shall be appointed by the board of education of the county in which the building is to be situated and two to be appointed by the other county or counties, but the terms of office shall be so arranged that not more than two members will retire in any one year. The committee shall officially exercise such corporate powers as are conferred by this Section. This committee shall have all the powers and duties of committees of local tax districts, and in addition thereto it shall adopt a corporate seal and have the power to sue and be sued in its corporate name. The committee shall have the power to determine the rate of local taxes to be levied in said joint district, not exceeding the rate authorized by the voters of the district, and when the committee shall have so determined the rate of local taxes to be levied in said joint district and shall have certified same to the boards of commissioners of the several counties from which said joint district is created, the said boards of county commissioners, and each of them, shall levy said rate of local taxes within the portion of said joint district lying within their respective counties; and the taxes so levied shall be collected in the several counties as other taxes are collected therein, and shall be paid over by the officers collecting the same to the treasurer or other fiscal agent of the county in which the schoolhouse is located, or is to be located, to be by him placed to the credit of the joint district.

The committee shall have as full authority to call and hold elections for the voting of bonds of the district as is conferred upon boards of education and boards of commissioners. In calling the election for a bond issue, no petition of the county board of education shall be necessary; but the election shall be called and held by the school committee of the incorporated local tax school district under as ample authority as is conferred upon both county boards of education and boards of commissioners. When bonds of the district have been voted under authority of this Section, they shall be issued subject to the limitations of the Local Government Act and County Fiscal Control Act in the corporate name of the district, signed by the chairman and secretary of the school committee, sold by the school committee, and the proceeds thereof deposited with the treasurer of the county board of education of the county in which the school building is, or is to be, located, to be placed to the credit of the joint district, and the taxes for the payment of principal and interest shall be levied and collected as provided hereinabove for the levy and collection of local taxes: Provided, that certified copies of the bond orders and resolutions shall be recorded on the minutes of the board of commissioners of each county constituting a part of the joint school district.

The building of all schoolhouses in such joint local tax districts shall be effected by the county board of education of the county in which the building is to be located under authority of law governing the erection of school buildings by county boards of education. It shall be lawful for the boards of education in the other county or counties to contribute to the cost of the building in proportion to the number of children shown by the official

census to be resident within that part of the joint district lying within each county respectively. If the building is to be erected from moneys borrowed from the State Literary Fund or from county taxation, then each county board of education shall contribute to its construction in the proportion set out above and pay over its contribution to the treasurer of the county board having control of the erection of the building: Provided, it shall be lawful for the county board that controls the erection of the building to borrow from the State and lend to the district the full amount of the cost of the building in cases where the entire amount, or part of the amount, is to be repaid by the district from district funds.

All district funds of a joint local tax district shall be kept distinct from all other funds, placed to the credit of the district, and expended as other local tax or district bond funds are lawfully disbursed.

The county board of education and county superintendent of schools of the county in which the schoolhouse is located shall have as full and ample control over the joint school and the district as it has in the case of other local tax districts, subject only to the limitations of this Section.

The committee of the joint school district shall prepare a budget annually in accordance with the law governing budgets in which the committee will indicate objects and items of expenditure which are proposed to be made from the collection of the special tax of the district. This budget shall show the proportionate part of the expense to be contributed by each county, which part shall be ascertained on the basis of the proportions of the total district school census living in each respective county. When this budget is completed by the committee of the joint district, a copy of it shall be filed with the county board of education of each county, and it shall be the duty of each board of education, if it approves the district budget, to incorporate it in the county budget to be submitted to the board of commissioners of each county. Each of the several county boards of education is hereby directed to pay over its proportionate part of the district budget, when and as collected, to the treasurer of the board of education of the county in which the school plant is located for the purposes for which it has been levied and collected.

All districts formed from portions of contiguous counties before the ratification of this Article are hereby authorized and empowered to exercise all the powers and privileges conferred by this Article.

Sec. 9. Levy and collection of taxes. In cases where administrative units or districts have voted, or may hereafter vote, a tax in order to operate schools of a higher standard than that provided by State support, county and city boards of education, at the same time the other budgets are filed, shall file a supplemental budget therefor and request that a sufficient levy be made by the tax levying authorities, not in excess of the rate voted by the people in such unit or district. The tax levying authorities may approve or disapprove this supplemental budget in whole or in part, and shall levy such taxes as necessary to provide for the approved budget for supplemental purposes, not exceeding the amount of the tax levy authorized by the vote of the people. The expenditure of the proceeds of said levy shall be in accordance with the aforesaid supplemental budget as approved by

the tax levying authorities, except where such levy is voted in a district, in which case the written consent of the chairman of the district committee shall also be obtained before any of said proceeds are expended: Provided, that the tax levying authorities may fix a charge against any administrative unit or district for collection of such levies not exceeding one per cent (1%) thereof. The superintendent of schools, the county accountant or auditor, the officer in charge of tax records, and the county treasurer shall keep records in their respective offices, showing the valuation of all property in the unit, district, or area; the rate of tax authorized annually to be levied, and the amount annually derived from the local tax. It shall be illegal for any part of the local tax fund to be used for any purpose other than those purposes authorized by the election in the unit, or district.

Sec. 10. In all those cases in which proceedings for an election may have been begun but not completed prior to the ratification of this Act, such proceedings may be completed and the election held under the statutes in force prior to the ratification of this Act.

SUBCHAPTER VI. SCHOOL PROPERTY

ARTICLE 15

School Sites and Property

Section 1. Acquisition of sites. County and city boards of education may acquire, by gift or by purchase, suitable sites for schoolhouses or other school facilities either within or without the administrative unit; but no school may be operated by an administrative unit outside its own boundaries, although other school facilities such as repair shops, may be operated outside the boundaries of the administrative unit. But whenever any such board is unable to obtain a suitable site for a school, school building, school bus garage or for a parking area for school buses or for other school facilities by gift or purchase, the county or city superintendent of the administrative unit shall, upon five days notice to the owner or owners of the land apply in the name of the board of education to the Clerk of the Superior Court of the county in which the land is situated for an appointment of three appraisers who shall lay off by metes and bounds not more than thirty acres, and shall assess the value thereof. These appraisers shall make a written report of their proceedings, to be signed by them, or by a majority of them, to the Clerk, within five days of their appointment, who shall enter the same upon the records of the court. The appraisers and officers shall serve without compensation. If the report is confirmed by the Clerk, the chairman and the secretary of the board shall issue a voucher on the treasurer of the county school fund or, if a city administrative unit, upon the treasurer of such unit, in favor of the owner of the land thus laid off, and upon the payment, or offer of payment of this voucher, the title to such land shall vest in fee simple in the board. Any person aggrieved by the action of the appraisers, including county and city boards of education, may appeal to the Superior Court in term, upon giving bond to secure the board against such costs as may be incurred on account of the appeal not being prosecuted with effect. If the lands sought to be condemned hereunder, or any part of said lands shall be owned by a nonresident of the

State, before the Clerk shall appoint appraisers therefor, notice to such nonresident owner shall be given of such proceedings to condemn, by publication once a week for four successive weeks in some newspaper published in the county, and if no newspaper is published in the county, then by posting such notice at the courthouse door and three other public places in the county for the period of thirty days: Provided, where sites have already been acquired and additional adjacent lands are necessary, such additional lands may be acquired as in this Section provided, which lands, together with the old site, shall not exceed twenty acres.

Sec. 2. Sale or lease of school property. 1. When in the opinion of any county board of education, or of any board of education for any city administrative unit, the use of any building, building site, or other real property owned or held by such board is unnecessary or undesirable for public school purposes, the board may sell such property at public auction. Such sale shall be held on the property to be sold or at the courthouse door in the county in which such property is located, and shall be advertised and otherwise conducted as is prescribed by statute for judicial sales of real property. The sale shall then remain open for ten days to permit the making of an upset bid. The resale of such property following such upset bid, and the procedure therefor shall be as prescribed by statute for judicial sales of real property. If the time for making an upset bid shall expire without such bid having been made, the board may confirm the sale if it deems the highest bid to be an adequate price. Upon confirmation of the sale by the board, the chairman and the secretary of the board shall execute a deed to the purchaser of the property upon his compliance with his bid. Confirmation of the sale by the Clerk of the Superior Court shall not be required. The proceeds of the sale shall be paid to the treasurer of the school fund of such county or city administrative unit, and shall be used either to reduce the bonded indebtedness of such administrative unit or for capital outlay purposes.

2. When in the opinion of any county board of education, or of any board of education for any city administrative unit, the use of any property, other than real property, owned or held by such board is unnecessary or undesirable for public school purposes, the board may sell such property either through the facilities of the North Carolina Division of Purchase and Contract or at public auction. If sold at public auction such sale shall be held at such place within such county or city administrative unit as shall be designated by the board, and shall be advertised and otherwise conducted as is prescribed by statute for the sale of personal property under a power of sale contained in a chattel mortgage. Title to the property so sold shall not pass by reason of such sale until the sale has been confirmed by the board and the purchaser has complied with the terms of his bid. The proceeds of such sale shall be paid to the treasurer of the school fund of such county or city administrative unit.

3. If in the opinion of the board the highest bid at any sale or resale of personal property sold pursuant to the provisions of this Section is not adequate, such bid may be rejected and the property may again be advertised for sale as provided in this Section, or may be sold by the board at

a private sale for a price in excess of the highest bid at such public sale.

4. In the acquisition by it of any property for public school purposes any county board of education, or any board of education for any city administrative unit, may exchange therefor, as full or partial payment therefor, any property owned or held by it, without compliance with the provisions of this Section: Provided, that for at least ten days before any exchange of real property shall be consummated, the terms of such proposed exchange shall be filed in the office of the superintendent of schools of such administrative unit and in the office of the Clerk of the Superior Court in the county in which such property is located, and a notice thereof published one or more times in a newspaper having a general circulation in the administrative unit at least ten days before the consummation of said exchange.

5. When in the opinion of any county board of education, or of the board of education for any city administrative unit, the use of any property owned or held by it is unnecessary or undesirable for public school purposes, but the sale of such property is not practicable or in the public interest, such board may in its discretion enter into an agreement with any other person, firm or corporation for the lease of such property to such person, firm or corporation for a term not in excess of one year, upon such terms and conditions as the board shall deem advisable and in the public interest.

Sec. 3. Deeds to property. All deeds to school property shall, after registration be delivered to the superintendent of the administrative unit in which the property is located and he shall provide a safe place for preserving all such deeds.

Sec. 4. Vehicles owned by boards of education exempt from taxation; registration. All school buses, trucks, automobiles and other motor vehicles owned by county and city boards of education and used for transporting pupils to and from school or used by other school personnel in the prosecution of their work, shall be exempt from taxation, but all such vehicles shall be duly registered in the Department of Motor Vehicles as provided in G. S. 20-84.

Sec. 5. Provision for school buildings and equipment. It shall be the duty of the boards of education of the several administrative school units of the State to make provisions for the nine months' school term by providing adequate school buildings equipped with suitable school furniture and apparatus. The needs and the cost of such buildings, equipment, and apparatus, shall be presented each year when the school budget is submitted to the respective tax levying authorities. The boards of commissioners shall be given a reasonable time to provide the funds when they, upon investigation, shall find to be necessary for providing their respective units with buildings suitably equipped, and it shall be the duty of the several boards of county commissioners to provide funds for the same.

Sec. 6. Erection and repair of schoolhouses. The building of all new schoolhouses and the repairing of all old schoolhouses shall be under the control and direction of, and by contract with, the board of education in which such building and repairing is done. Boards of education shall not

invest any money in any new building that is not built in accordance with plans approved by the State Superintendent as to structural and functional soundness, safety and sanitation, nor contract for more money than is made available for its erection. All contracts for buildings shall be in writing and all buildings shall be inspected, received, and approved by the county or city superintendent and the architect before full payment is made therefor: Provided, that this Section shall not prohibit boards of education from repairing and altering buildings with the help of janitors and other regular employees of said board.

In the case of any school buildings erected, repaired, or equipped with any money loaned or granted by the State to any administrative unit, the State Board of Education, under such rules as it may deem advisable, may retain any amount not to exceed fifteen per cent (15%) of said loan or grant, until such completed buildings, erected or repaired, in whole or in part, from such loan or grant funds shall have been approved by a designated agent of the State Board of Education.

Upon such approval by the State Board of Education, the State Treasurer is authorized to pay the balance of the loan or grant to the treasurer of the school administrative unit for which said loan or grant was made.

Sec. 7. Board cannot erect or repair building unless site is owned by board. County and city boards of education shall make no contract for the erection or repair of any school building unless the site upon which it is located is owned in fee simple by the said board: Provided, that the board of education of a county or city administrative unit, with the approval of the board of county commissioners is authorized to appropriate funds to aid in the establishment of a school facility and the operation thereof in an adjoining county or city administrative unit when a written agreement between the boards of education of the administrative units involved has been reached and the same recorded in the minutes of said boards, whereby children from the unit making such appropriations shall be entitled to attend the school so established.

In all cases where title to property has been vested in the trustees of a special charter district which has been abolished and has not been reorganized, title to such property shall be vested in the county or city board of education of the county embracing such former special charter district.

Sec. 8. Duty of board to provide equipment for school buildings. It shall be the duty of county and city boards of education and tax levying authorities to provide suitable supplies for the school buildings under their jurisdiction. These shall include, in addition to the necessary instructional supplies, proper window shades, blackboards, reference books, library equipment, maps, and equipment for teaching the sciences.

Likewise, it shall be the duty of said boards of education and boards of county commissioners to provide every school with a good supply of water, approved by the State Board of Health, and where such school cannot be connected to water-carried sewerage facilities, there shall be provided sanitary privies for the boys and for the girls according to specifications of the State Board of Health. Such water supply and sanitary privies shall be considered an essential and necessary part of the equipment of each

public school and may be paid for in the same manner as desks and other essential equipment of the school are paid for.

Sec. 9. Duties of boards of education to keep buildings in repair and determine use of school property. It shall be the duty of county and city boards of education and tax levying authorities, in order to safeguard the investment made in public schools, to keep all school buildings in good repair to the end that all public school property shall be taken care of and be at all times in proper condition for use. It shall be the duty of all committeemen, principals, teachers, and janitors to report to their respective boards of education immediately any unsanitary condition, damage to school property, or needed repair. All principals, teachers, and janitors shall be held responsible for the safekeeping of the buildings during the school session and all breakage and damage shall be repaired by those responsible for same, and where any principal or teacher shall permit damage to the public school buildings by lack of proper discipline of pupils, such principal or teacher shall be held responsible for such damage: Provided, principals and teachers shall not be held responsible for damage that they could not have prevented by reasonable supervision in the performance of their duties.

Boards of education shall have the power and authority to promulgate rules and regulations by which school buildings may be used for other than school purposes, to the end that the community may be encouraged to use school buildings for civic or community meetings of all kinds which may be beneficial to the members of the community and at the same time preserve and properly care for public school buildings.

ARTICLE 16

State Insurance of Public School Property

Section 1. Authority and rules for the organization of the system. The State Board of Education is hereby authorized, directed and empowered to establish a division to manage and operate a system of insurance for public school property. The board shall adopt such rules and regulations as, in its discretion, may be necessary to provide all details inherent in the insurance of public school property. The board shall employ a director, safety inspectors, engineers and other personnel with suitable training and experience, which in its opinion is necessary to insure and protect effectively public school property, and it shall fix their compensation with the approval of the Personnel Department.

Sec. 2. Public School Insurance Fund; decrease of premiums when fund reaches five per cent (5%) of total insurance in force. There shall be set up in the books of the State Treasurer a fund to be known and designated as the "Public School Insurance Fund", which fund hereafter in this Article is referred to as "the fund". In order to provide adequate reserves against losses which may be incurred on account of the risks insured against as provided in this Article and to provide payment for such losses as may be incurred therein, there is hereby appropriated to "the fund" the sum of two million dollars ($2,000,000.00), which shall be paid from and charged to the State Literary Fund as setup and defined in this Chapter. When the

reserves in "the fund" shall be increased by the payment of premiums by the governing boards of county and city administrative school units, or otherwise, to the extent of one million dollars ($1,000,000.00), there shall be transferred from "the fund" back to the State Literary Fund the sum of one million dollars ($1,000,000.00) and when "the fund" shall again be increased to the extent of another one million dollars ($1,000,000.00), there shall be transferred therefrom back to the State Literary Fund an additional sum of one million dollars ($1,000,000.00) in full reimbursement of the sum of two million dollars ($2,000,000.00), which is authorized to be transferred from the State Literary Fund by the provisions hereof. All funds paid over to the State Treasurer for premiums on insurance by the governing boards of county and city school administrative units and all money received from interest or from loans and deposits and from any other source connected with the insurance of the property hereinafter referred to shall be held by the State Treasurer in "the fund" for the purpose of paying all fire, lightning, windstorm, hail and explosion losses for which the said fund shall be liable and the expenses necessary for the proper conduct of the insurance of said property, together with such premiums for reinsurance of such part of said insurance as the State Board of Education may deem necessary to reinsure, as provided for in this Article. Such part of the money in "the fund" as may not be needed for the payment of current demands thereon shall be invested by the State Treasurer in such securities as constitute permissible investments for State sinking funds, and all of the earnings thereon shall be paid into "the fund". The State Treasurer shall annually report to the State Board of Education and to the General Assembly the status of "the fund" and a detailed statement of the investments therein and earnings therefrom.

When the fund herein provided for reaches the sum of five per cent (5%) of the total insurance in force, then annually thereafter the State Board of Education shall proportionately decrease the premiums on insurance to an amount which will be sufficient to maintain "the fund" at five per cent (5%) of the total insurance in force, and in the event in the judgment of the State Board of Education the income from the investments of "the fund" are sufficient to maintain the same at five per cent (5%) of the total insurance in force, no premiums shall be charged for the ensuing year, provided that no building or property insured shall cease to pay premiums until five annual payments of premiums have been made whether or not through such payments the fund shall be increased beyond five per cent (5%) of the total insurance in force, unless such building or property shall cease to be insurable within the meaning of this Article within such five-year period.

Sec. 3. Insurance of property by school governing boards; notice of election to insure and information to be furnished; outstanding policies. All county and city boards of education may insure all property within their units against the direct loss of damage by fire, lightning, windstorm, hail or explosions resulting by reason of defects in equipment in public school buildings and other public school properties in "the fund" hereinbefore set up and provided for. Any property covered by an insurance

policy in effect on the date when the property of a unit is insured in "the fund" shall be insured by "the fund" as of the expiration of the policy. Each school governing board shall give notice of its election to insure in "the fund" at least thirty days prior to such insurance becoming effective and shall furnish to the State Board of Education a full and complete list of all outstanding fire insurance policies, giving in complete detail the name of the insurers, the amount of the insurance and expirations thereof. While the said insurance policies remain in effect, "the fund" shall act as co-insurer of the properties covered by such insurance to the same extent and in the same manner as is provided for co-insurance under the provisions of the standard form of fire insurance as provided by land, and in the event of loss shall have the same rights and duties as required by participating insurance companies.

Sec. 4. Inspections of insured public school properties. The State Board of Education shall provide for periodic inspections of all public school properties in the State of North Carolina insured under the provisions hereof, the said inspections for safety of buildings and particularly school buildings, against the loss or damage from fire and explosions. The inspections shall be the basis for offering such engineering advice as may be thought to be necessary to safeguard the children in the public schools from death and injury from school fires or explosions and to protect said school properties from loss, and the local schol authorities shall be required so far as possible, and reasonable, to carry out and put into effect such recommendations in respect thereto as may be made by the State Board of Education.

Sec. 5. Information to be furnished prior to insuring in the fund; providing for payment of premiums. County and city boards of education shall at least thirty days before insuring in "the fund", furnish to the State Board of Education a complete and detailed list of all school buildings and contents thereof and other insurable school property, together with an estimate of the present value of the said property. Valuation for purposes of insuring in "the fund" shall be reached by agreement in accordance with the procedure hereinafter set up for adjustment of losses. County and city boards of education and the tax levying authorities shall be required to provide for the payment of premiums for insurance on the school properties of each unit, respectively, to the extent of not less than seventy-five per cent (75%) of the current insurable value of the said properties, including the insurance in fire insurance companies and the insurance provided by "the fund" as set out herein.

Sec. 6. Determination and adjustment of premium rates; certificate as to insurance carried; no lapsation; notice as to premiums required, and payment thereof. The State Board of Education shall determine the annual premium rate to be charged for insurance of school properties as herein provided, which said rate shall not, however, be in excess of the rates fixed by law for insurance of such properties in effect on May 31, 1948, and such rates shall be adjusted from time to time so as to provide insurance against damage or loss resulting from fires, lightning, windstorm, hail or explosions resulting from defects in equipment in public school buildings and properties for the local school units at the lowest cost possible in keeping with

the payment of cost of administration of this Article, and the creation of adequate reserves to pay losses which may be incurred. The State Board of Education shall furnish to each county and city administrative unit annually and, at such times as changes may require, a certificate showing the amount of insurance carried on each item of insurable property. The said insurance shall not lapse but shall remain in force until the county or city board of education requests that said insurance be cancelled or until such property becomes uninsurable in the manner set out in Section 8 of this Article. From time to time the local school authorities shall be notified as to the amount of the premiums required to be paid for said insurance and the amounts thereof shall be provided for in the annual budget of such schools. The tax levying authorities shall provide by taxation or otherwise a sum sufficient to pay the required premiums thereon.

The local school authorities shall within thirty (30) days from notice thereof pay to the State Board of Education the premiums on such insurance, and in the event that there are no funds on hand at such time with which to make said payment, the same shall be paid out of the first funds available to such school board. Delayed payments shall bear interest at the rate of six per cent (6%) per annum.

Sec. 7. Adjustment of losses; determination and report of appraisers; payment of amounts to treasurers of local units; disbursement of funds. In the event of loss or damage by fire, lightning, windstorm, hail, or explosions resulting from defects in equipment in public school buildings and properties for the local schol units, "the fund" shall pay the loss in the same proportion as the amount of insurance carried bore to the valuation of the property at the time it was insured, but not exceeding the amount which it would cost to repair or replace the property with material of like quality within a reasonable time after such loss, not in excess of the amount of insurance provided for said property, and not in excess of the amount of such loss which "the fund" is required to pay in participation with fire insurance companies having policies of insurance in force on said properties at the time of the loss or damage, and "the fund" shall not be liable for a greater proportion of any loss than the amount of insurance thereon shall bear to the whole insurance covering the property against the peril involved.

In the event of loss or damage by fire, lightning, windstorm, hail, or explosions resulting from defects in equipment in public school buildings and properties of the local school units, to the property insured, when an agreement as to the extent of such loss or damage cannot be arrived at between the State Board of Education and the local officials having charge of the said property, the amount of such loss or damage shall be determined by three appraisers; one to be named by the State Board of Education, one by the local governing board having charge of the property, and the two so appointed shall select a third—all of whom shall be disinterested persons, and qualified from experience to appraise and value such property: Provided, however, if the appraisers appointed by the State Board of Education and the local governing board shall fail for fifteen days to agree upon the third appraiser, then, on request of the State Board of Education or the

local governing board having charge of the property, such third appraiser shall be selected by the Resident Judge of the Superior Court of the judicial district in which the property is located. The appraisers so named shall file their written report with the State Board of Education and with the local governing board having such property in charge. The costs of the appraisal shall be paid by "the fund". Upon the determination of the loss by the appraisers, the State Board of Education shall pay the amount of such loss or damage to school property in the control of the county administrative unit to the county treasurer, and pay the amount of loss or damage to property of a city administrative unit to the treasurer of said unit upon proper warrant of the State Board of Education. Said funds shall be paid out by the treasurer of said units, as provided by this Chapter for the disbursement of the funds of such unit.

Sec. 8. Maintenance of inspection and engineering service; cancellation of insurance. The State Board of Education is authorized and empowered to maintain an inspection and engineering service deemed by it appropriate and necessary to reduce the hazards of fire in public school buildings insured in "the fund" as hereinbefore provided, and to expend for such purpose not in excess of ten per cent (10%) of the annual premiums collected from the local school authorities. The State Board of Education is hereby authorized and empowered to cancel any insurance on any school property when, in its opinion, because of dilapidation and depreciation such property is no longer insurable. Before cancellation, the local school board shall be given at least thirty (30) days' notice, and in the event said property can be restored to insurable condition, the State Board of Education may make such orders with respect to the continuance of such coverage as may be deemed proper: Provided, that the findings and results of the inspection of local school property by the agents of the board shall be reported to county and city boards of education and to the board of county commissioners of such units as carry insurance with the State thirty (30) days before budget making time in order that all school property shall be properly taken care of and made safe from fire hazards.

SUBCHAPTER VII. EMPLOYEES

ARTICLE 17
Principals' and Teachers'
Employment and Contracts

Section 1. Health certificate required for teachers and other school personnel. Any person serving as county superintendent, city superintendent, supervisor, district principal, building principal, teacher, or any other employee in the public schools of the State, shall file in the office of the county or city superintendent each year, before assuming his or her duties, a certificate from the county physician, health officer, or other reputable physician, certifying that the said person does not have tuberculosis in the communicable form, or other communicable disease, or any disease, physical or mental, which would impair the ability of the said person to perform effectively his or her duties.

The examining physician shall make the aforesaid certificate on an

examination form supplied by the State Superintendent of Public Instruction. The certificate shall be issued only after a physical examination has been made at the time of the certification, and such examination shall be in accordance with rules and regulations adopted by the State Superintendent of Public Instruction, with approval of the State Health Officer, and such rules and regulations may include the requirement of an X-ray chest examination.

It shall be the duty of the county or city superintendent of the school in which the person is employed to enforce the provisions of this Section.

Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and subject to a fine or imprisonment in the discretion of the court.

Sec. 2. When principal or teacher may resign. After entering into a written contract, any teacher, principal, or supervisor desiring to resign or abrogate his contract must give not less than thirty days notice in writing to the county or city superintendent by whom employed. In the event the resignation is submitted within less than thirty days prior to the opening of school, or if there is evidence that the contract has been wilfully breached, the employing authorities shall have authority to request the State Superintendent of Public Instruction, in his discretion, to revoke the employee's certificate for a period of one year.

Sec. 3. Causes for removal of principals and teachers. The county and city boards of education and district committees, with the approval of the superintendent, may dismiss a principal or teacher for immoral or disreputable conduct or for failure to comply with the provisions of the contract. The superintendent of schools, with the approval of the committee or the board of education, has authority and it is his duty to dismiss a principal or teacher who has proven himself incompetent, or who wilfully refuses to discharge the duties of a public school principal or teacher, or who may be persistently neglectful of such duties. However, no principal or teacher shall be dismissed until charges have been filed in writing in the office of the superintendent and such principal or teacher given at least five days notice in which time he shall have the opportunity to appear before the board of education or the district committee before whom the matter is being investigated. After a full and fair hearing the action of the board of education or the committee shall be final: Provided, the principal or teacher shall have the right to appeal to the county board of education if the action was taken by a district committee, and thereafter to the courts, or directly to the courts if the action was taken by a county or city board of education.

In cases where principals or teachers have been dismissed by boards of education for immoral or disreputable conduct and where such conduct in the opinion of the superintendent of schools warrant it, he shall notify the State Superintendent of Public Instruction who shall have authority to revoke such principal's or teacher's certificate, if he deems such action justifiable.

Sec. 4. Duties of teachers. It shall be the duty of all teachers to maintain good order and discipline in their respective schools; to en-

courage temperance, morality, industry, and neatness; to promote the health of all pupils, especially of children in the first three grades, by providing frequent periods of recreation, to supervise the play activities during recess, and to encourage wholesome exercises for all children; to teach as thoroughly as they are able all branches which they are required to teach; to provide for singing in the school, and so far as possible to give instruction in public school music; and to enter actively into the plans of the superintendent for the professional growth of the teachers. Teachers shall cooperate with the principal in ascertaining the cause of non-attendance of pupils that he may report all violators of the compulsory attendance law to the attendance officer in accordance with rules promulgated by the State Board of Education.

Sec. 5. Power to suspend or dismiss pupils. A district principal, or a building principal, shall have authority to suspend any pupil who wilfully and persistently violates the rules of the school or who may be guilty of immoral or disreputable conduct, or who may be a menace to the school. Every suspension for cause shall be reported at once to the attendance officer, who shall investigate the cause and deal with the offender in accordance with rules governing the attendance of children in school.

Sec. 6. Duty to make reports to superintendent; making false reports or records. Every principal or teacher of a public school shall make such reports as are required by the boards of education, and the superintendent shall not approve the vouchers for the pay of principals or teachers until the required monthly and annual reports are made: Provided, that the superintendents may require teachers to make reports to the principals and principals to make reports to the superintendent: Provided further, that any superintendent, principal, teacher or other school employee of the public schools, who knowingly and wilfully makes or procures another to make any false report or records, requisitions, or pay rolls, respecting daily attendance of pupils in the public schools, pay roll data sheets, or other reports required to be made to any board or officer in the performance of their duties, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court and the certicate of such person to teach in the public schools of North Carolina shall be revoked by the State Superintendent of Public Instruction.

Sec. 7. Care of the school building. It shall be the duty of every teacher and principal in charge of school buildings to instruct the children in the proper care of public property, and it is their duty to exercise due care in the protection of school property against damage, either by defacement of the walls and doors or any breakage on the part of the pupils, and if they shall fail to exercise a reasonable care in the protection of property during the day, they may be held financially responsible for all such damage, and if the damage is due to carelessness or negligence on the part of the teachers or principal, the superintendent may hold those in charge of the building responsible for the damage, and if it is not repaired before the close of a term, a sufficient amount may be deducted from their final vouchers to repair the damage for which they are responsible.

If any child in school shall carelessly or wilfully damage school prop-

erty, the teacher or principal shall report the damage to the parent, and if the parent refuses to pay the cost of repairing the same, the teacher or principal shall report the offense to the superintendent of schools.

It shall be the duty of all principals to report immediately to their respective superintendents any unsanitary condition, damage to school property or needed repair.

Sec. 8. Authority and duty of principal. The principal of a district is the executive school officer of the district, and the principal of a school is the executive officer of that school. The principal shall have authority to grade and classify pupils and exercise discipline over the pupils of the district or schools. The principal of a district shall make all reports to the county superintendent and the principal of a school shall make reports to the district principal, and in their capacity as principals, they shall give suggestions to teachers for the improvement of instruction. And it shall be the duty of each teacher, including teachers of vocational agriculture, vocational home economics, trades and industries, in a district or in a school to cooperate with the principal in every way possible to promote good teaching in the school and a progressive community spirit among its patrons.

Sec. 9. Salary increments for experience to teachers, principals and superintendents in armed and auxiliary forces. The State Board of Education, in fixing the State standard salary schedule of teachers, principals and superintendents as authorized by law, shall provide that teachers, principals and superintendents who entered the armed or auxiliary forces of the United States after September sixteenth, one thousand nine sundred and forty, and who left their positions for such service, shall be allowed experience increments for the period of such service as though the same had not been interrupted thereby, in the event such persons return to the positions of teachers, principals, or superintendents in the public schools of the State after having been honorably discharged from the armed or auxiliary forces of the United States.

ARTICLE 18
Certification and Salaries of Professional Employees

Section 1. Certificate prerequisite to employment. All teachers, supervisors and other professional personnel employed in the public schools of the State, or in schools receiving public funds, shall be required to hold certificates in accordance with the law, and no contract for employment shall be valid until the certificate is secured: Provided, that nothing herein shall prevent the employment of temporary personnel under such rules as the State Board of Education may prescribe: Provided, further, that no person shall be employed to teach who is under eighteen years of age.

Sec. 2. Certifying and regulating the grade and salary of teachers. The State Board of Education shall have entire control of certificating all applicants for teaching, supervisory, and professional positions in all public elementary and high schools of North Carolina; and it shall prescribe the rules and regulations for the renewal and extension of all certificates,

and shall determine and fix the salary for each grade and type of certificate which it authorizes.

Sec. 3. Local approval of certicate required. No certificate issued by the board shall be valid until approved and signed by the superintendent of the administrative unit in which the holder of said certificate resides, or contracts to teach, and the certificate when so approved shall be of State-wide validity. Should any superintendent refuse to approve and sign any such certificate, he shall notify the State Board of Education and state in writing the reasons for such refusal. The said board shall have the right, upon appeal by the holder of said certificate, to review and investigate and finally determine the matter.

Sec. 4. Employment of persons without certificate unlawful; salaries not paid. It shall be unlawful for any board of education or school committee to employ or to keep in service any teacher, supervisor, or other professional school personnel who does not hold a certificate in compliance with the provisions of law or in accordance with the regulations of the State Board of Education governing emergency substitute personnel.

The county or city superintendent, or other official, is forbidden to approve any voucher for salary for any personnel employed in violation of the provisions of this Section and the treasurer of the county or of the city schools is hereby forbidden to pay out of the school funds the salary of any such person.

Sec. 5. Colleges to aid as to certificates. Each and every college or university of the State is hereby authorized to aid public school teachers or prospective teachers in securing, raising, or renewing their certificates, in accordance with the rules and regulations of the State Board of Education.

Sec. 6. Pay of school officials and other employees. Teachers and principals shall be paid promptly when their salaries are due, provided they have been properly elected, have executed their contracts, and deposited a copy of the same with their respective boards of education, and have taught a school month of twenty days, or for a less number of days when their employment is terminating. All such teachers and principals employed by any administrative unit or any school district, who are to be paid from local funds, shall be paid promptly as provided by law and as State allotted teachers and principals are paid.

Public school employees paid from State funds shall be paid as follows:

Salary vouchers for the payment of all State allotted teachers, principals, and others employed for the school term shall be issued each month to such persons as are entitled to same. The salaries of superintendents and others employed on an annual basis shall be paid per calendar month: Provided, that teachers may be paid in twelve equal monthly installments in such administrative units as shall request the same of the State Board of Education on or before October first of each school year. Before such request shall be filed, it shall be approved by the board of education, the superintendent, and a majority of the teachers in said administrative unit. The payment of the annual salary in twelve installments instead of nine shall not increase or decrease said annual salary nor in any other way

alter the contract made between the teacher and the said administrative unit; nor shall such payment apply to any teacher who is employed for a period of less than nine months. Classified principals in the public schools of the State shall be employed for a term of ten (10) months and shall be paid on the basis of ten (10) months' service.

The State Board of Education is authorized to prescribe what portion of said extra month shall apply to services rendered before the opening of the school term and after the closing of the school year and to fix and regulate the duties of principals during said extra month.

The State Board of Education may, in its discretion and under such rules and regulations as it may prescribe, provide for the payment of the salaries of regular State allotted teachers in ten (10) equal monthly payments. It shall also provide for the salaries of vocational teachers in such monthly payments as may be desirable and in accordance with rules and regulations prescribed for the operation of the vocational program and in accordance with Federal laws and regulations relating to such funds.

In any administrative unit which shall request the same of the State Board of Education on or before August 1 of each school year, teachers may be paid in nine equal payments on the basis of service for nine school months, such payments to be made on the same fixed date in each calendar month during the school term as determined by the county or city board of education: Provided, that the county or city board of education shall sustain any loss by reason of an overpayment to any teacher or principal. Principals shall be paid during the school term on the same date as the teachers are paid.

All of the foregoing provisions of this Section shall be subject to the requirements that if the Old Age and Survivors Insurance Program of the Federal Social Security Act is coordinated with the Teachers and State Employees Retirement System pursuant to enactments of the General Assembly of 1955, then and in that event at least fifty dollars ($50.00) or other minimum amount required by Federal Social Security Laws, of the compensation of every teacher, principal or other school employee covered by the Teachers and State Employees Retirement System or otherwise eligible for Federal Social Security coverage, shall be paid in each of the four quarters of the calendar year.

Sec. 7. Authority of superintendent to issue salary vouchers. The authority for a superintendent to issue vouchers for the salary of all school employees, whether paid from State or local funds, shall be a monthly pay roll, prepared on forms furnished by the State Board of Education and containing all information required by the controller of the State Board of Education. This monthly pay roll shall be signed by the principal of the school in city administrative units, and in county administrative units by the principal and the chairman of the local committee. If any voucher so drawn is chargeable against district funds, the amount so charged and the district to which said amount is charged shall be specified on the voucher.

No deductions shall be made from salaries of teachers of vocational agriculture and home economics whose salaries are paid in part from State

and Federal vocational funds while in attendance upon community, county and State meetings called for the specific purpose of promoting the agricultural interests of North Carolina, when such attendance is approved by the superintendent of the administrative unit and the State Director of Vocational Education.

Sec. 8. Cashing vouchers and payment of sums due on death of school employees. In the event of the death of any superintendent, teacher, principal, or other school employee, before cashing any voucher which has been issued for services rendered or to whom payment is due for services rendered, when there is no administration upon the estate of such person, such voucher may be cashed by the Clerk of the Superior Court of the county in which such deceased person resided, or a voucher due for such services may be made payable to such Clerk, who will be authorized to pay out such sums in the following manner: (1) For satisfaction of widow's year's allowance, if such is claimed. (2) For funeral expense and medical and doctor's bills for the last illness of the deceased, and any taxes due the State or local government. If any surplus remains, the Clerk of the Superior Court shall appoint and pay the surplus to an administrator. The Clerk shall receive no commission for making such payment to the administrator and the administrator shall receive no commission for receiving such surplus from the Clerk.

Sec. 9. Workmen's compensation. The provisions of the Workmen's Compensation Act shall be applicable to all school employees, and the State Board of Education shall make such arrangements as are necessary to carry out the provisions of the Workmen's Compensation Act as are applicable to such employees as are paid from State school funds. Liability of the State for compensation shall be confined to school employees paid by the State from State school funds for injuries or death caused by accident arising out of and in the course of their employment in connection with the State operated nine months' school term. The State shall be liable for said compensation on the basis of the average weekly wage of such employees as defined in the Workmen's Compensation Act, whether all of said compensation for the nine months' school term is paid from State funds or in part supplemented by local funds. The State shall also be liable for Workmen's Compensation for all school employees employed in connection with the teaching of vocational agriculture, home economics, trades and industries, and other vocational subjects, supported in part by State and Federal funds, which liability shall cover the entire period of service of such employees. The county and city administrative units shall be liable for Workmen's Compensation for school employees, including lunchroom employees, whose salaries or wages are paid by such local units from local or special funds. Such local units are authorized and empowered to provide insurance to cover such compensation liability and to include the cost of such insurance in their annual budgets.

The provisions of this Section shall not apply to any person, firm or corporation making voluntary contributions to schools for any purpose, and such person, firm or corporation shall not be liable for the payment of any sum of money under this subchapter.

SUBCHAPTER VIII. PUPILS

ARTICLE 19

Census, Admissions and Attendance

Section 1. Continuous school census. The State Board of Education shall adopt such rules and regulations as may be necessary for taking a complete census of the school population and for installing and keeping in the office of the county and city superintendent in each school administrative unit of the State a continuous census of the school population. The cost of taking and keeping the census shall be included in the budget and shall be paid out of the current expense fund. If any parent, guardian, or other person having the custody of a child, refuses to give any properly authorized census taker the necessary information to enable such person to obtain an accurate and correct census, or shall knowingly and wilfully make any false statement relative to the age or the mental or physical condition of any child, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed twenty-five dollars ($25.00) or imprisoned not to exceed thirty days, in the discretion of the court.

Sec. 2. Age requirement and time of enrollment. Children to be entitled to enrollment in the public schools for the school year 1955-1956, and each year thereafter, must have passed the sixth anniversary of their birth before October first of the year in which they enroll, and must enroll during the first month of the school year: Provided, that if a particular child has already been attending school in another state in accordance with the laws or regulations of the school authorities of such state before moving to and becoming a resident of North Carolina, such child will be eligible for enrollment in the schools of this State regardless of whether such child has passed the sixth anniversary of his birth before October first. The State Board of Education is hereby authorized and empowered, in its discretion, to change the above dates of October first. The principal of any public school shall have the authority to require the parents of any child presented for admission for the first time to such school to furnish a certified copy of the birth certificate of such child, which shall be furnished without charge by the register of deeds of the county having on file the record of the birth of such child, or other satisfactory evidence of date of birth.

Sec. 3. Pupils residing in a school district shall have the advantages of the public schools. All pupils residing in a school district or attendance area, and who have not been removed from school for cause, shall be entitled to all the privileges and advantages of the public schools of such district or attendance area in such school buildings to which they are assigned by county and city boards of education: Provided, that wherever pupils from nontax units, districts, or attendance areas, are assigned to a school in a tax unit, district, or attendance area, the assignment shall be for only the current school year, unless satisfactory agreements are reached between all units, districts, or attendance areas concerned: Provided, further, that pupils residing in one administrative unit may be assigned either with or without the payment of tuition to a school located

in another administrative unit upon such terms and conditions as may be agreed in writing between the boards of education of the administrative units involved and entered upon the official records of such boards: Provided, further, that the assignment of pupils living in one administrative unit or district to a school located in another administrative unit or district, either with or without the payment of tuition, shall have no effect upon the right of the administrative unit or district to which said pupils are assigned to levy and collect any supplemental tax heretofore or hereafter voted in such administrative unit or district: Provided, further, the boards of education of adjacent administrative units may operate schools in adjacent units upon written agreements between the respective boards of education and approval by the county commissioners and the State Board of Education.

Unless otherwise assigned by the county or city board of education, the following pupils are entitled to attend the schools in the district or attendance area in which they reside:

1. All pupils of the district or attendance area who have not completed the prescribed course for graduation in the high school.

2. All pupils whose parents have recently moved into the unit, district, or attendance area for the purpose of making their legal residence in the same.

3. Any pupil or pupils living with either father, mother or guardian who has made his or her permanent home within the district.

Sec. 4. Children at orphanages permitted to attend public schools. Children living in and cared for and supported by an institution established or incorporated for the purpose of rearing and caring for orphan children shall be considered legal residents of the administrative unit in which the institution is located, and a part of all of said orphan children shall be permitted to attend the public school or schools of their administrative unit. Provided: That the provisions of this Section shall be permissive only, and shall not be mandatory.

Sec. 5. Children not entitled to attend public schools. A child afflicted by mental or physical incapacity, or by such nervous disorders as to make it either impossible for such child to profit by instruction given in the public schools or impracticable for the teacher to properly instruct the normal pupils of the school, shall not be permitted to enroll or attend the public schools of the State.

In case such child is presented for enrollment in the public schools, it shall be the duty of the principal of the school to report the case to the county superintendent of public welfare, and it shall be his duty to report all such cases to the State Board of Public Welfare. Whereupon said board shall make, or cause to be made by qualified psychologists or medical authorities, an examination to ascertain the mental and physical incapacity of said child and report the same to the county or city superintendent of schools concerned. Such examination shall determine whether said child can profit mentally by attending the public schools and whether his physical capacities are such that he can attend school without disturbing

the orderly procedure of a normal classroom and the report shall so state. Upon receipt of said report the county or city superintendent of schools is hereby authorized to exclude said child from the public schools. In all such cases in which a child is excluded from schools, a complete record of the transaction shall be filed in the office of the county or city superintendent and shall be available to the parties concerned. If the parent or guardian of such a child persists in forcing his attendance after such report has determined that he should not attend the public schools, he shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the court.

ARTICLE 20

General Compulsory Attendance Law

Section 1. Parent or guardian required to keep child in school; exceptions. Every parent, guardian or other person in the State having charge or control of a child between the ages of seven and sixteen years shall cause such child to attend school continuously for a period equal to the time which the public school to which the child is assigned and in which he is enrolled shall be in session. The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse a child temporarily from attendance on account of sickness, distance of residence from bus route or school, or other unavoidable cause which does not constitute truance as defined by the State Board of Education. The term "school" as used herein is defined to embrace all public schools and such private schools as have tutors or teachers and curricula that are approved by the county or city superintendent of schools or the State Board of Education.

All private schools receiving and instructing children of a compulsory school age shall be required to keep such records of attendance and render such reports of the attendance of such children and maintain such minimum curriculum standards as are required of public schools; and attendance upon such schools, if the school or tutor refuses or neglects to keep such records or to render such reports, shall not be accepted in lieu of attendance upon the public school of the district to which the child shall be assigned: Provided, that instruction in a private school or by private tutor shall not be regarded as meeting the requirements of the law unless the courses of instruction run concurrently with the term of the public school in the district and extend for at least as long a term.

Sec. 2. State Board of Education to make rules and regulations; method of enforcement. It shall be the duty of the State Board of Education to formulate such rules and regulations as may be necessary for the proper enforcement of the provisions of this Article. The board shall prescribe what shall constitute truancy, what causes may constitute legitimate excuses for temporary nonattendance due to physical or mental inability to attend, and under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State. It shall be the duty of all school officials to

carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a misdemeanor: Provided, that the compulsory attendance law herein prescribed shall not be in force in any city or county that has a higher compulsory attendance feature than that provided herein.

Sec. 3. Attendance officer; reports; prosecutions. The State Superintendent of Public Instruction shall prepare such rules and procedure and furnish such blanks for teachers and other school officials as may be necessary for reporting each case of truancy or lack of attendance to the attendance officer of the respective administrative units. Such rules shall provide, among other things, for a notification in writing to the person responsible for the nonattendance of any child, that the case is to be reported to the attendance officer of the administrative unit unless the law is complied with immediately. County or city boards of education may employ special attendance officers to be paid from funds provided in the current expense fund budget of such administrative unit and such officers shall have full authority to prosecute for violations of this Article: Provided, that in any unit where a special attendance officer is employed, the duties of attendance officer or truant officer as provided by law shall, insofar as they relate to such unit, be transferred from the county superintendent of public welfare to the special attendance officer of said unit.

Sec. 4. Violation of law; penalty. Any parent, guardian, or other person violating the provisions of this Article shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00), and upon failure to pay such fine, the said parent, guardian or other person shall be imprisoned not exceeding thirty days in the county jail.

Sec. 5. Investigation and prosecution by welfare superintendent or attendance officer. The county superintendent of public welfare, or school attendance officer, or truant officer provided for by law, shall investigate and prosecute all violators of the provisions of this Article. The reports of unlawful absence required to be made by teachers and principals to the attendance officer shall, in his hands, in case of any prosecution, constitute prima facie evidence of the violation of this Article and the burden of proof shall be upon the defendant to show the lawful attendance of the child or children upon an authorized school.

Sec. 6. Investigation as to indigency of child. If affidavit shall be made by the parent of a child or by any other person that any child between the ages of seven and sixteen years is not able to attend school by reason of necessity to work or labor for the support of itself or the support of the family, then the attendance officer shall diligently inquire into the matter and bring it to the attention of some court allowed by law to act as a juvenile court, and said court shall proceed to find whether as a matter of fact such parents, or persons standing in loco parentis, are unable to send said child to school for the term of compulsory attendance for the reasons given. If the court shall find, after careful investigation, that the parents have made or are making bona fide effort to comply with the compulsory attendance law, and by reason of illness, lack of earning capacity, or any

other cause which the court may deem valid and sufficient, are unable to send said child to school, then the court shall find and state what help is needed for the family to enable the attendance law to be complied with. The court shall transmit its findings to the superintendent of public welfare of the county or city in which the case may arise for such welfare officer's consideration and action.

Sec. 7. Deaf and blind children to attend school; age limits; minimum attendance. Every deaf and every blind child of sound mind in North Carolina who shall be qualified for admission into a State school for the deaf or the blind shall attend a school for the deaf or the blind for a term of nine months each year between the ages of six and eighteen years. Parents, guardians, or custodians of every such blind or deaf child between the ages of six and eighteen years shall send, or cause to be sent, such child to some school for the instruction of the blind or deaf as herein provided: Provided, that the board of directors of any school for the blind or deaf may exempt any such child from attendance at any session or during any year, and may discharge from their custody any such blind or deaf child whenever such discharge seems necessary or proper. Whenever a blind or deaf child shall reach the age of eighteen years and still unable to become self-supporting because of his defects, such child shall continue in said school until he reaches the age of twenty-one, unless he becomes self-supporting sooner.

Sec. 8. Parents, etc., failing to send deaf child to school guilty of misdemeanor; provisos. The parents, guardians, or custodians of any deaf children between the ages of six and eighteen years failing to send such deaf child or children to some school for instruction, as provided herein, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year said deaf child is kept out of school, between the ages herein provided: Provided, that this Section shall not apply to or be enforced against the parent, guardian, or custodian of any deaf child until such time as the superintendent of any school for the instruction of the deaf, by and with the approval of the executive committee of such institution, shall in his and their discretion serve written notice on such parent, guardian, or custodian, directing that such child be sent to the institution whereof they have charge.

Sec. 9. Parents, etc., failing to send blind child to school guilty of misdemeanor; provisos. The parents, guardians, or custodians of any blind child or children between the ages of six and eighteen years failing to send such child or children to some school for the instruction of the blind shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, for each year that such child or children shall be kept out of school between the ages specified: Provided, (1) that this Section not be enforced against the parents, guardians, or custodians of any blind child until such time as the authorities of some school for the instruction of the blind shall serve written notice on such parents, guardians, or custodians directing that such child be sent to the school whereof they have charge; and (2) that the authorities of the

State School for the Blind and the Deaf shall not be compelled to retain in their custody or under their instruction any incorrigible person or persons of confirmed immoral habits.

Sec. 10. Superintendent to report defective children. It shall be the duty of the county and city superintendents to report through proper legal channels, the names and addresses of parents, guardians, or custodians of deaf, mute, blind and feebleminded children to the principal of the institution provided for each.

SUBCHAPTER IX. SCHOOL TRANSPORTATION

ARTICLE 21
School Buses

Section 1. Authority of county and city boards of education. Each county board of education, and each city board of education is hereby authorized, but is not required, to acquire, own and operate school buses for the transportation of pupils enrolled in the public schools of such county or city administrative unit and of persons employed in the operation of such schools within the limitations set forth in this subchapter. Each such board may operate such buses to and from such of the schools within the county or city administrative unit, and in such number, as the board shall from time to time find practicable and appropriate for the safe, orderly and efficient transportation of such pupils and employees to such schools.

Sec. 2. Authority and duties of the State Board of Education. 1. The State Board of Education shall have no authority over or control of the transportation of pupils and employees upon any school bus owned and operated by any county or city board of education, except as provided in this subchapter.

2. The State Board of Education shall be under no duty to supply transportation to any pupil or employee enrolled or employed in any school. Neither the State nor the State Board of Education shall in any manner be liable for the failure or refusal of any county or city board of education to furnish transportation, by school bus or otherwise, to any pupil or employee of any school, or for any neglect or action of any county or city board of education, or any employee of any such board, in the operation or maintenance of any school bus.

3. The State Board of Education shall, as soon as may be practicable, allocate and assign all school buses and service vehicles now owned by the State to respective county and city boards of education in accordance with the present need of each such board for school bus transportation. Such need shall be determined by the State Board of Education from its records showing the number of State-owned buses and service vehicles presently being operated by such county or city administrative unit. Upon such assignment and allocation of such school buses and service vehicles the State Board of Education shall cause the title to each such bus or service vehicle to be transferred to the county board of education, or to the city board of education to which such bus or service vehicle has been so assigned and allocated.

4. The State Board of Education shall from time to time adopt such rules and regulations with reference to the construction, equipment, color, and maintenance of school buses, the number of pupils who may be permitted to ride at the same time upon any bus, and the age and qualifications of drivers of school buses as it shall deem to be desirable for the purpose of promoting safety in the operation of school buses. No school bus shall be operated for the transportation of pupils unless such bus is constructed and maintained as prescribed in such regulations and is equipped with adequate heating facilities, a standard signaling device for giving due notice that the bus is about to make a turn, an alternating flashing stop light on the front of the bus, an alternating flashing stop light on the rear of the bus, and such other warning devices, fire protective equipment and first aid supplies as may be prescribed for installation upon such buses by the regulation of the State Board of Education.

5. The State Board of Education shall, when requested so to do by any county or city board of education, but not otherwise, advise such county or city board with reference to the establishment and amendment of school bus routes, the acquisition and maintenance of school buses, or any other question which may arise in connection with the organization and operation of the school bus transportation system of such county or city board.

6. The State Board of Education shall allocate to the respective county and city boards of education all funds appropriated from time to time by the General Assembly for the purpose of providing transportation to the pupils enrolled in the public schools within this State. All such funds shall be allocated by the State Board of Education in accordance with the number of pupils to be transported, the length of bus routes, road conditions and all other circumstances affecting the cost of the transportation of pupils by school bus to the end that the funds so appropriated may be allocated on a fair and equitable basis, according to the needs of the respective county and city administrative units and so as to provide the most efficient use of such funds. Such allocation shall be made by the State Board of Education at the beginning of each fiscal year, except that the State board may reserve for future allocation from time to time within such fiscal year as the need therefor shall be found to exist, a reasonable amount not to exceed ten per cent (10%) of the total funds available for transportation in such fiscal year from such appropriation.

7. Upon such allocation by the State Board of Education, all funds so appropriated by the General Assembly shall be paid over to the respective county and city boards of education in accordance with such allocation in equal monthly installments throughout the regular school year: Provided, however, that upon the request of a county or city board of education, the State Board of Education may, in its discretion, pay over to the county or city board all or any part of any or all monthly installments prior to the time when the same would otherwise be pay-

able. The respective county and city boards shall use such funds for the purposes of replacing, maintaining, insuring, and operating public school buses and service vehicles in accordance with the provisions of this subchapter, and for no other purpose, but in the making of expenditures for such purposes shall be subject to no control by the State Board of Education.

Sec. 3. Assignment of school buses to schools. The superintendent of the schools of each county or city administrative unit which shall elect to operate a school bus transportation system, shall, prior to the commencement of each regular school year and subject to the approval of the county or city board of education, allocate and assign to the respective public schools within the jurisdiction of such county or city administrative unit the school buses which the county or city board shall own and direct to be operated during such school year. From time to time during such school year, subject to the directions of the county or city board of education, the superintendent may revise such allocation and assignment of school buses in accordance with the changing transportation needs and conditions at the respective schools of such county or city administrative unit, and may, pursuant to such revision, assign an additional bus or buses to a school or withdraw a bus or buses from a school in such county or city administrative unit.

Sec. 4. The use and operation of school buses. Public school buses may be used for the following purposes only, and it shall be the duty of the superintendent of the school of each county and city administrative unit to supervise the use of all school buses operated by such county or city administrative unit so as to assure and require compliance with this Section:

1. A school bus may be used for the transportation of pupils enrolled in and employees employed in the operation of the school to which such bus is assigned by the superintendent of the schools of the county or city administrative unit. Except as otherwise herein provided, such transportation shall be limited to transportation to and from such school for the regularly organized school day, and from and to the points designated by the principal of the school to which such bus is assigned, for the receiving and discharging of passengers. No pupil or employee shall be so transported upon any bus other than the bus to which such pupil or employee has been assigned pursuant to the provisions of this subchapter.

2. In the case of illness or injury requiring immediate medical attention of any pupil or employee while such pupil or employee is present at the school in which such pupil is enrolled or such employee is employed, the principal of such school may, in his discretion, permit such pupil or employee to be transported by a school bus to a doctor or hospital for medical treatment, and may, in his discretion, permit such other person as he may select to accompany such pupil.

3. The board of education of any county or city administrative unit may operate the school buses of such unit one day prior to the

opening of the regular school term for the transportation of pupils and employees to and from the school to which such pupils are assigned or in which they are enrolled and such employees are employed, for the purposes of the registration of students, the organization of classes, the distribution of textbooks, and such other purposes as will, in the opinion of the superintendent of the schools of such unit, promote the efficient organization and operation of such public schools.

4. A county school board or the school board of a city administrative unit, which elects to operate a school bus transportation system, shall not be required to provide transportation for any employee other than the driver of the bus, nor shall such board be required to provide transportation for any pupil living within one and one-half miles of the school in which such pupil is enrolled.

5. The county or city board of education, under rules and regulations to be adopted by such board, may permit the use and operation of school buses for the transportation of pupils and teachers on necessary field trips to and from demonstration projects carried on in connection with courses in agricultural, home economics and other vocational subjects; provided that under no circumstance shall the round-trip mileage for any one trip exceed 25 miles nor on any such trip shall a county or city owned bus be taken out of the State of North Carolina. School buses will not be used in lieu of activity buses already owned by an administrative unit.

Sec. 5. Assignment of pupils to school buses. 1. The principal of a school, to which any school bus has been assigned by the superintendent of the schools of the county or city administrative unit embracing such school, shall assign to such bus or buses the pupils and employees who may be transported to and from such school upon such bus or buses. No pupil or employee shall be permitted to ride upon any school bus to which such pupil or employee has not been so assigned by the principal, except by the express direction of the principal.

2. In the event that the superintendent of the schools of any county or city administrative unit shall assign a school bus to be used in the transportation of pupils to two or more schools, the superintendent shall designate the number of pupils to be transported to and from each such school by such bus, and the principals of the respective schools shall assign pupils to such buses in accordance with such designation.

3. Any pupil enrolled in any school, or the parent or guardian of any such pupil, or the person standing in loco parentis to such pupil, may apply to the principal of such school for transportation to and from such school by school bus for the regularly organized school day. The principal thereupon shall assign such pupil to a school bus serving the bus route upon which such pupil lives, if any, and if such pupil is entitled to ride upon such bus in accordance with the provisions of this subchapter and the regulations of the State Board of Education herein provided for. Such assignment shall be made by the principal so as to provide for the orderly, safe and efficient transportation of pupils to

such school and so as to promote the orderly and efficient administration of the school and the health, safety and general welfare of the pupils to be so transported. Assignments of pupils and employees to school buses may be changed by the principal of the school as he may from time to time find proper for the safe and efficient transportation of such pupils and employees.

4. The parent or guardian of any pupil enrolled in any school, or the person standing in loco parentis to any such pupil, who shall apply to the principal of such school for the transportation of such pupil to and from such school by school bus, may, if such application is denied, or if such pupil is assigned to a school bus not satisfactory to such parent, guardian, or person standing in loco parentis to such pupil, pursuant to rules and regulations established by the county or city board of education, apply to such board for such transportation upon a school bus designated in such application, and shall be entitled to a prompt and fair hearing by such board in accordance with the rules and regulations established by it. The majority of such board shall be a quorum for the purpose of holding such hearing and passing upon such application, and the decision of the majority of the members present at such hearing shall be the decision of the board. If, at such hearing, the board shall find that such pupil is entitled to be transported to and from such school upon the school bus designated in such application, or if the board shall find that the transportation of such pupil upon such bus to and from such school will be for the best interests of such pupil, will not interfere with the proper administration of such school, or with the safe and efficient transportation by school bus of other pupils enrolled in such school and will not endanger the health or safety of the children there enrolled, the board shall direct that such child be assigned to and transported to such school upon such bus.

5. Any person aggrieved by the final order of the county or city board of education may at any time within ten (10) days from the date of such order appeal therefrom to the Superior Court of the county in which such administrative school unit or some part thereof is located. Upon such appeal, the matter shall be heard de novo in the Superior Court before a jury in the same manner as civil actions are tried and disposed of therein. The record on appeal to the Superior Court shall consist of a true copy of the application and decision of the board, duly certified by the secretary of such board. If the decision of the court be that the order of the county or city board of education shall be set aside, then the court shall enter its order so providing and adjudging that such child is entitled to be transported to and from such school upon the school bus designated in such application, and in such case such child shall be assigned to such school bus by the county or city board of education concerned. From the judgment of the Superior Court an appeal may be taken by any interested party or by the board to the Supreme Court in the same manner as other appeals are taken from judgments of such court in civil actions.

6. No employee shall be assigned to or permitted to ride upon a

school bus when to do so will result in the overcrowding of such bus or will prevent the assignment to such bus of a pupil entitled to ride thereon, or will otherwise, in the opinion of the principal, be detrimental to the comfort or safety of the pupils assigned to such bus, or to the safe, efficient and proper operation of such bus.

Sec. 6. School bus drivers: Monitors. 1. Each county or city school board, which elects to operate a school bus transportation system, shall employ the necessary drivers for such school buses. Such drivers shall possess all qualifications prescribed by the regulations of the State Board of Education herein provided for, but the selection and employment of each driver shall be made by the county or city board of education, and the driver shall be the employee of such county or city administrative unit. Each county or city board of education shall assign the bus drivers employed by it to the respective schools within the jurisdiction of such board, and the principal of each such school shall assign the drivers to the school buses to be driven by them. No school bus shall at any time be driven or operated by any person other than the bus driver assigned by such principal to such bus except by the express direction of such principal or in accordance with rules and regulations of the appropriate local board of education.

2. The driver of a school bus subject to the direction of the principal shall have complete authority over and responsibility for the operation of the bus and the maintaining of good order and conduct upon such bus, and shall report promptly to the principal any misconduct upon such bus or disregard or violation of the driver's instructions by any person riding upon such bus. The principal may take such action with reference to any such misconduct upon a school bus, or any violation of the instructions of the driver, as he might take if such misconduct or violation had occurred upon the grounds of the school.

3. The driver of any school bus shall permit no person to ride upon such bus except pupils or school employees assigned thereto or persons permitted by the express direction of the principal to ride thereon.

4. The principal of a school, to which a school bus has been assigned, may, in his discretion, appoint a monitor for any bus so assigned to such school. It shall be the duty of such monitor, subject to the direction of the driver of the bus, to preserve order upon the bus and do such other things as may be appropriate for the safety of the pupils and employees assigned to such bus while boarding such bus, alighting therefrom or being transported thereon, and to require such pupils and employees to conform to the rules and regulations established by the county or city board of education for the safety of pupils and employees upon school buses.

Sec. 7. School bus routes. 1. The principal of the school to which a school bus has been assigned shall, prior to the commencement of each regular school year, prepare and submit to the superintendent of the schools of the county or city administrative unit a plan for a definite route for each school bus assigned to such school so as to

assure the most efficient use of such bus and the safety and convenience of the pupils assigned thereto. The superintendent shall examine such plan and may, in his discretion, obtain the advice of the State Board of Education with reference thereto. The superintendent shall make such changes in the proposed bus routes as he shall deem proper for the said purposes and, thereupon, shall approve the route. When so approved the buses shall be operated upon the route so established and not otherwise, except as provided in this subchapter. From time to time the principal may suggest changes in any such bus route as he shall deem proper for the said purposes, and the same shall be effective when approved by the superintendent of the county or city administrative unit.

2. Unless road or other conditions shall make it inadvisable to do so, public school buses shall be so routed on State-maintained highways that the school bus, to which such pupil is assigned, shall pass within one mile of the residence of each pupil, who lives one and one-half miles or more from the school to which such pupil is assigned.

3. All bus routes when established pursuant to this Section shall be filed in the office of the board of education of the county or city administrative unit, and all changes made therein shall be filed in the office of such board within ten days after such change shall become effective.

4. If any school bus route established or changed as hereinabove provided is unsatisfactory to the district school committee, the committee may request the board of education of the county or city administrative unit to make such change in such route as the committee desires. In that event, the board of education shall hear the request of the district school committee and shall make such change, if any, in such route as to the board shall seem advisable so as to assure the most efficient use of such bus and the safety and convenience of the pupils assigned thereto.

5. No provision of this subchapter shall be construed to place upon the State, or upon any county or city, any duty to supply any funds for the transportation of pupils, or any duty to supply funds for the transportation of pupils who live within the corporate limits of the city or town in which is located the public school in which such pupil is enrolled or to which such pupil is assigned, even though transportation to or from such school is furnished to pupils who live outside the limits of such city or town.

Sec. 8. Inspection of school buses. 1. The superintendent of schools in each county, and in each city administrative unit, shall cause each school bus owned or operated by such county or city administrative unit to be inspected at least once each 30 days during the school year for mechanical defects, or other defects which may affect the safe operation of such bus. A report of such inspection, together with the recommendations of the person making the inspection, shall be filed promptly in the office of the superintendent of the schools of such county or city administrative unit, and a copy thereof shall be forwarded to the principal of the school to which such bus is assigned.

2. It shall be the duty of the driver of each school bus to report

promptly to the principal of the school, to which such bus is assigned, any mechanical defect or other defect which may affect the safe operation of the bus when such defect comes to the attention of the driver, and the principal shall thereupon report such defect to the superintendent of the schools of the county or city administrative unit. It shall be the duty of the superintendent of the schools of the county or city administrative unit to cause any and all such defects to be corrected promptly.

3. If any school bus is found by the principal of the school, to which it is assigned, or by the superintendent of the schools of the county or city administrative unit, to be so defective, that the bus may not be operated with reasonable safety, it shall be the duty of such principal or superintendent to cause the use of such bus to be discontinued until such defect is remedied, in which event the principal of the school, to which such bus is assigned, may permit the use of a different bus assigned to such school in the transportation of the pupils and employees assigned to the bus found to be defective.

Sec. 9. Purchase and maintenance of school buses, materials and supplies. 1. To the extent that the funds shall be made available to it for such purpose, a county board of education or a city board of education is authorized to purchase from time to time such additional school buses and service vehicles or replacements for school buses and service vehicles, as may be deemed by such board to be necessary for the safe and efficient transportation of pupils enrolled in the schools within such county or city administrative unit. Any school bus so purchased shall be constructed and equipped as prescribed by the provisions of this subchapter and by the regulations of the State Board of Education issued pursuant thereto.

2. The tax levying authorities of any county are hereby authorized to make provision from time to time in the capital outlay budget of the county for the purchase of such school buses or service vehicles.

3. Any funds appropriated from time to time by the General Assembly for the purchase of school buses or service vehicles shall be allocated by the State Board of Education to the respective county and city boards of education in accordance with the requirements of such boards as determined by the State Board of Education, and thereupon shall be paid over to the respective county and city boards of education in accordance with such allocation.

4. The title to any additional or replacement school bus or service vehicle purchased pursuant to the provisions of this Section, shall be taken in the name of the board of education of such county or city administrative unit, and such bus shall in all respects be maintained and operated pursuant to the provisions of this subchapter in the same manner as any other public school bus.

5. It shall be the duty of the county board of education to provide adequate buildings and equipment for the storage and maintenance of all school buses and service vehicles owned or operated by the county board of education or by the board of education of any city administrative unit in such county. It shall be the duty of the tax levying authorities of such county to provide in its capital outlay budget for the construction or

acquisition of such buildings and equipment as may be required for this purpose.

6. In the event of the damage or destruction of any school bus or service vehicle by fire, collision, or otherwise, the board of education of the county or city administrative unit which shall own or operate such bus or service vehicle may apply to the State Board of Education for funds with which to replace it. If the State Board of Education finds that such bus or service vehicle has been destroyed or damaged to the extent that it cannot be made suitable for further use, and if the State Board of Education finds that the replacement of such bus or service vehicle is necessary in order to enable such county or city administrative unit to operate properly its school bus transportation system, the State Board of Education shall allot to the board of education of such county or city administrative unit from the funds now held by the State Board of Education for the replacement of school buses or service vehicles, or from funds hereafter appropriated by the General Assembly for that purpose, a sum sufficient to purchase a new school bus or service vehicle to be used as a replacement for such damaged or destroyed bus or service vehicle and upon such allocation such sum shall be paid over to or for the account of the board of education of such county or city administrative unit for such purpose.

7. All school buses or service vehicles purchased by or for the account of any county or city board of education, except school buses or service vehicles purchased by such board from another county or city board of education of this State, shall be purchased through the Division of Purchase and Contract.

Sec. 10. Aid in lieu of transportation. 1. When, by reason of road conditions or otherwise, any county or city board of education, which shall elect to operate a school bus transportation system, shall find it impracticable to furnish to a pupil transportation by school bus to the school in which such pupil is enrolled, or to which such pupil is assigned, the board may assign such pupil to such other school within such county or city administrative unit as the board shall deem advisable, unless the parent or guardian of such pupil or the person standing in loco parentis to such pupil, shall notify the principal of the school, in which such pupil is enrolled or to which such pupil is assigned, of the desire of such pupil to continue to attend such school without the benefit of transportation by school bus.

2. In the event that any county or city board of education, which shall operate a system of school bus transportation, shall find it impracticable to furnish to a pupil such transportation to the school in which such pupil is enrolled or to which such pupil is assigned, and if, as a result thereof, such pupil shall be required to obtain board and lodging at a place other than the residence of such pupil in order to attend a school, such board may, in its discretion, provide for the payment to the parent or guardian of such pupil of a sum not to exceed twenty-five dollars ($25.00) per month for each school month that such pupil shall so obtain board and lodging at a place other than the residence of the pupil for the purpose of attending a school.

Sec. 11. Contracts for transportation. Any county or city board of

education may, in lieu of the operation by it of public school buses, enter into a contract with any person, firm or corporation for the transportation by such person, firm or corporation of pupils enrolled in the public schools of such county or city administrative unit for the same purposes for which such county or city administrative unit is authorized by this subchapter to operate public school buses. Any vehicle used by such person, firm or corporation for the transportation of such pupils shall be constructed and equipped as provided in this subchapter and in the regulations promulgated pursuant to this subchapter by the State Board of Education, and the driver of such vehicle shall possess all of the qualifications prescribed by such rules and regulations of the State Board of Education. In the event that any county or city board of education shall enter into such a contract, the board may use for such purposes any funds which it might use for the operation of school buses owned by the board, and the tax levying authorities of the county or of the city may provide in the county or city budget such additional funds as may be necessary to carry out such contracts.

Sec. 12. Use of school buses by State Guard or National Guard. When requested to do so by the Governor, the board of education of any county or city administrative unit is authorized and directed to furnish a sufficient number of school buses to the North Carolina State Guard or the National Guard for the purpose of transporting members of the State Guard or members of the National Guard to and from authorized places of encampment, or to and from places to which members of the State Guard or members of the National Guard are ordered to proceed for the purpose of suppressing riots or insurrections, repelling invasions or dealing with any other emergency. Public school buses so furnished by any county or city administrative unit to the North Carolina State Guard or the National Guard shall be operated by members or employees of the State or National Guard, and all expense of such operation, including any repair or replacement of any bus occasioned by such operation, shall be paid by the State from the appropriations available for the use of the State Guard or the National Guard.

Sec. 13. Effective date of this subchapter. The provisions of this subchapter shall be in full force and effect from and after July 1, 1955.

ARTICLE 22
Certain Injuries to School Children Compensable

Section 1. State Board of Education authorized to pay claims. The State Board of Education is hereby authorized and directed to set up in its budget for the operation of the public schools of the State a sum of money which it deems sufficient to pay the claims hereinafter authorized and provided for. The board is hereby authorized and directed to pay out of said sum provided for this purpose to the parent, guardian, executor or administrator of any pupil who may be injured or whose death results from injuries received while such pupil is boarding, riding on, or alighting from a school bus owned and operated by any county or city administrative

unit, and transporting pupils to or from the public schools of the State, or sustained as a result of the operation of a school bus on the grounds of the school in which such pupil is enrolled, medical, hospital, surgical, and funeral expenses incurred on account of such injuries or death of such pupil in an amount not to exceed six hundred dollars ($600.00). This Section shall not apply to injuries sustained as a result of the operation of any activity bus as distinguished from a regular school bus.

Sec. 2. Approval of claims by State Board of Education final. The State Board of Education is hereby authorized and empowered, under such rules and regulations as it may promulgate, to approve any claim authorized herein, and when such claim is so approved, such action shall be final: Provided, that the total benefits for hospitalization, medical treatment, and funeral expenses shall in no case exceed six hundred dollars ($600.00) for any pupil so injured.

Sec. 3. Claims paid without regard to negligence of driver; amounts paid out declared lien upon civil recoveries for child. The claims authorized herein shall be paid by the said State Board of Education, regardless of whether the injury received by said pupil shall have been due to the negligence of the driver of the said school bus: Provided, that whenever there is recovery on account of said accident by the father, mother, guardian, or administrator of such pupil against any person, firm or corporation, the amount expended by the State Board of Education hereunder shall constitute a paramount lien on any judgment recovered by said parent, guardian, or administrator, and shall be discharged before any money is paid to said parent, guardian, or administrator, on account of said judgment.

Sec. 4. Disease and injuries incurred while not riding on bus not compensable. Nothing in this Article shall be construed to mean that the State shall be liable for sickness, or disease, or for personal injuries sustained otherwise than by reason of the operation of such bus.

Sec. 5. Claims must be filed within one year. The right to compensation as authorized herein shall be forever barred unless a claim filed with the State Board of Education within one year after the accident, and if death results from the accident, unless a claim be filed with the said board within one year thereafter.

SUBCHAPTER X. INSTRUCTION

ARTICLE 23

Course of Study

Section 1. Standard course of study for each grade. Upon the recommendation of the State Superintendent, the State Board of Education shall adopt a standard course of study for each grade in the elementary school and in the high school. These courses of study shall set forth what subjects shall be taught in each grade, and outline the basal and supplementary books on each subject to be used in each grade.

The State Superintendent shall prepare a course of study for each grade of the school system which shall outline the appropriate subjects to be taught, together with directions as to the best methods of teaching them

as guidance for the teachers. There shall be included in the course of study for each grade outlines and suggestions for teaching the subject of Americanism; and in one or more grades, as directed by the State Superintendent of Public Instruction, outlines for the teaching of alcoholism and narcotism.

County and city boards of education shall require that all subjects in the course of study, except foreign languages, be taught in the English language, and any teacher or principal who shall refuse to conduct his recitations in the English language may be dismissed.

Sec. 2. Adult education. When in the judgment of the State Board of Education a program of adult education should be established as a part of the public school system and when appropriations have been made therefor, there shall be organized and administered under the general supervision of the State Superintendent of Public Instruction, course in adult education: Provided, that county and city boards of education, in their discretion, may institute and support such programs from local funds.

Sec. 3. Instruction for handicapped persons. There shall be organized and administered under the general supervision of the State Superintendent of Public Instruction a program of special courses of instruction for handicapped, crippled, and other classes of individuals requiring special types of instruction. In carrying out the provisions of this Section, the State Superintendent may appoint such personnel as may be needed:

1. To aid county and city boards of education in the organization of classes for the handicapped.

2. To recommend plans for the establishment of day classes in schools, home instruction and other methods of special education for handicapped persons, and outline the curriculum to be pursued.

3. To provide the recommendation of competent medical and psychological authorities as to the eligibility of handicapped persons to take said courses.

4. To arrange where necessary for a handicapped child or adult person to attend school in an administrative unit or district other than the one in which he resides.

5. To cooperate with the State Department of Public Welfare, the State Board of Health, the State schools for the blind and deaf, the State sanatoria, the children's hospitals, or other agencies concerned with the welfare and health of handicapped persons.

Any child or adult who has been determined to be physically or mentally handicapped shall be eligible for such special instruction as may be appropriate to his needs and which is available in the area of his residence. Classes of special education may be established and organized in any administrative unit or district which has one or more handicapped individuals when the approval of the State Superintendent of Public Instruction and the State Board of Education has been given. With the same approval, itinerant teachers may be employed to give special instruction.

The State Board of Education is authorized to provide from funds available for public schools a program of special education outlined by the State Department of Public Instruction and approved by the State Board

of Education. The State board is authorized to receive contributions and donations to be used in conjunction with any appropriations that may be made to carry out the program of special education.

Sec. 4. Instruction in driver training and safety education. There shall be organized and administered under the general supervision of the State Superintendent of Public Instruction a program of driver training and safety education in the public schools of this State, said courses to be noncredit courses taught by instructors approved by the State Department of Public Instruction.

For the purpose of providing standards and administering such program of driver training and safety education in the public schools of the State, the sum of twenty-five thousand dollars ($25,000.00) shall be transferred from the appropriation out of the Highway Fund of the State for the Department of Motor Vehicles, Highway Patrol, Driver's License and Safety Promotion for each year of the biennium to the State Department of Public Instruction to be used for the salaries, travel, and other expenses of supervisory personnel necessary to carry out the provisions of this Section.

Sec. 5. Instruction in music education; supervisor and area supervisors. There shall be organized and administered under the general supervision of the State Superintendent of Public Instruction a program of music education in the public schools of the State, and in the various communities in which said public schools are located. The Department of Public Instruction is hereby authorized to employ a supervisor of music education and six area music supervisors in its program of promotion of music education. It shall be the duty of the supervisors to train leaders from the teachers, to hold conferences throughout the State with groups of teachers and demonstrate proper methods of teaching music, and to organize and direct leadership in music programs in the schools and in the communities of the State.

Sec. 6. Instruction in physical education and health education. There shall be organized and administered under the general supervision of the State Superintendent of Public Instruction a comprehensive program of physical education and of health education including scientific instruction in the subjects of alcoholism and narcotism. It shall be the duty of teachers and principals in connection with this program to screen and observe all pupils in order to detect signs and symptoms of deviation from normal, and to record and report the results of their findings in accordance with the established policies and procedures and upon blanks furnished for this purpose. The State Superintendent of Public Instruction, with the State Board of Health cooperating, shall make rules and regulations regarding screening and observation by teachers and for medical and psychiatric examination of pupils attending the public schools. Correction of chronic remediable defects for underprivileged children may be paid out of school health funds appropriated by the General Assembly to the State Board of Education for allocation to school administrative units in accordance with policies agreed upon by the State Superintendent of Public Instruction and the State Board of Health, and as otherwise provided by law. The State

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Board of Health shall provide free dental treatment for as many underprivilege school children as possible each year.

Sec. 7. Observance of special days. The State Superintendent of Public Instruction is hereby authorized and directed to provide suitable material for the appropriate observance in all the public schools of the State of all special days which are celebrated from year to year. All literature necessary for the proper observance of the days specified in this Section shall be prepared by the Superintendent of Public Instruction and printed at the expense of the State. The Superintendent of Public Instruction may fix a later or an earlier date for the observance of any special day, the observance of which is required for a specific date, if it shall appear to him to be more convenient; and he may combine the programs so as to require the observance of any two or more of the special days at the same time.

The special days appropriate for observance in North Carolina are:

1. North Carolina Day on October the twelfth.
2. Temperance or Law and Order Day on the fourth Friday in January.
3. Arbor Day on the Friday following the fifteenth day of March.
4. The birthdays of George Washington, Robert Edward Lee, and Thomas Jonathan (Stonewall) Jackson.
5. Veterans Day, Memorial Day, and such other days as may be deemed of educational and patriotic value to the children and citizens of the State.

ARTICLE 24

Selection and Adoption of Textbooks

Section 1. Textbook needs are determined by course of study. When the State Board of Education shall have adopted, upon the recommendation of the State Superintendent of Public Instruction, a standard course of study for each grade in the elementary school and in the high school setting forth what subjects shall be taught in each grade and outlining the basal and supplementary books on each subject to be used in each grade, the board shall proceed to select and adopt such textbooks. Textbooks adopted in accordance with the provisions of this Article shall be used by all the public schools of the State. Such supplementary books as may be adopted shall neither displace nor be used to the exclusion of basal books.

Sec. 2. The State Board of Education to select and adopt textbooks. The board is hereby authorized to select and adopt for the exclusive use in the public schools of North Carolina, textbooks, publications, and instructional materials needed for instructional purposes, in each grade and on each subject matter in which instruction is required by law. It shall adopt for a period of not less than five years, two basal primers for the first grade, two basal readers for each of the first three grades, one basal reader for grades four to eight inclusive, and one basal book or series of books on all other subjects required to be taught in the first eight grades, and one basal book for all subjects taught in the high school: Provided, that not more than three basal books may be adopted on the subject of North Carolina history: Provided, further, the State Board of Education may enter into contract with a publisher for a period less than five years, if any advan-

tage may accrue to the schools as a result of a shorter contract than five years.

Sec. 3. Appointment of Textbook Commission; members and chairman; compensation. The Governor, upon the recommendation of the State Superintendent, shall appoint a Textbook Commission of twelve members who shall hold office for four years, or until their successors are elected and qualified. The Governor shall fill all vacancies by appointment for the unexpired term. Seven of the members shall be outstanding teachers or principals in the elementary grades; five shall be outstanding teachers or principals in the high school grades: Provided, that one of the members may be a county or city superintendent. The commission shall elect a chairman, subject to the approval of the State Superintendent. The members shall be paid a per diem and expenses as approved by the board. The reenactment of this Section shall not have the effect of vacating the appointment or changing the terms of any of the commissioners heretofore appointed.

Sec. 4. Commission to evaluate books offered for adoption. The members of the commission who are teachers or principals in the elementary grades shall evaluate all textbooks offered for adoption in the elementary grades. The members who are teachers or principals in the high schools shall evaluate all books offered for adoption in the high school grades.

Each member shall examine carefully and file a written evaluation of each book offered for adoption.

Special consideration shall be given in the evaluation report as to the suitability of the book to the grade for which it is offered, the content or subject matter, and other criteria prescribed by the board.

All evaluation reports shall be signed by the member making the report and filed alphabetically with the board not later than a day certain as fixed by the board when the call for adoption is made.

Sec. 5. Selection of textbooks by board. At the next meeting of the board following the filing of the reports, the Textbook Commission shall meet with the board and jointly examine the reports. The board shall then select from the books evaluated such books which the board believes will meet the teaching requirements of the North Carolina public schools in the grade or grades for which they are offered. The board shall then request sealed bids from the publishers of all books so selected.

The board shall make all needful rules and regulations with reference to asking for bids, notifying publishers as to calls for adoption, execution and delivery of contracts, requirement of performance bonds, cancellation clauses, and such other material matters as may affect the validity of the contracts.

Sec. 6. Adoption of textbooks and contracts with publishers. The sealed bids of the publishers shall be opened at the next regular meeting of the board in the presence of the board. The board may then adopt the books required by the course of study and enter into a contract with the publisher for such adopted books. The board may refuse to adopt any of the books offered at the prices bid and call for new bids: Provided, that when bids are accepted by the board and a contract entered into, the contract may re-

quire, in the discretion of the board, that the total sales of each book in the State of North Carolina be reported annually to the board.

Sec. 7. Continuance and discontinuance of contracts with publishers; procedure for change of textbooks. At the expiration of existing or future contracts, the board may, upon approval of the publisher, continue the contract for any particular book or books indefinitely, that is, for a period not less than one nor more than five years. The superintendent may at any time recommend to the board that a given book is unsatisfactory for the schools, whereupon the board may call for a new selection and adoption.

In the event a change of any textbook is required by vote of the board, the publisher shall be given ninety (90) days' notice prior to the first day of May, at the expiration of which time the board is authorized to adopt a new book or books on said subject. The publisher desiring to terminate his contract which has been extended beyond the original contract period shall give notice to the board ninety (90) days prior to the first day of May. The board may then proceed to a new adoption.

Sec. 8. Advice of Attorney General as to form and legality of contracts. All contracts between the board and publishers of textbooks shall be subject to the approval of the Attorney General as to form and legality.

In the event that any publisher shall fail to keep his contract as to prices, distribution, adequate supply of books in the edition adopted, or in any other way violates the terms of his contract, the Attorney General shall bring suit against such publisher when requested by the board for such an amount as may be sufficient to enforce the contract or to compensate the State because of the loss sustained by failure to keep said contract.

Sec. 9. Publishers to register all agents or employees. Publishers submitting books for adoption shall register in the office of the State Superintendent of Public Instruction all agents or other employees of any kind authorized to represent said company in the State, and this registration list shall be open to the public for inspection.

Sec. 10. Sale of books at lower price elsewhere reduces price to State. Every contract made by the board with the publisher of any school textbook on the adopted list in this State shall be deemed to have written therein a condition providing that in the event said publisher during the life of his contract with this State shall contract with another state, or with any county, city, town, or other municipality, or shall place said textbook on sale anywhere in the United States for a less price than that in his contract with the State of North Carolina, said publishers shall immediately furnish said textbooks to this State at a price not to exceed that for which the book is furnished, sold, or placed on sale in any other state, or in any other county, city, town, or municipality.

ARTICLE 25

Providing Basal and Supplemental Textbooks and Instructional Materials

Section 1. Powers and duties of State Board of Education. That the children in the public schools of the State may be provided uniformly with free basal textbooks within the appropriation of the General Assembly for

that purpose, and with supplementary textbooks and instructional materials at a minimum annual rental, the State Board of Education is hereby authorized and directed to administer a fund and to establish rules and regulations necessary to:

1. Acquire by contract or purchase such textbooks and instructional supplies which are or may be on the adopted list of the State of North Carolina, and to purchase materials, supplies, and equipment which the board may find necessary to meet the needs of the public school system of the State and to carry out the provisions of this Article.

2. Provide a system of distribution of said textbooks and supplies to the children in the public schools of the State, and distribute such books as are provided under the rental system without the use of any depository other than some agency of the State; to use warehouse facilities for the distribution of all the supplies, materials, and equipment authorized to be purchased in subsection one hereof.

3. Provide for the free use, including the proper care and return thereof, of elementary basal textbooks to such grades, including the eighth grade of the elementary public schools of North Carolina as may be determined by the board. The title to said books shall be vested in the State: Provided, that the board may furnish basal elementary textbooks on a rental basis in any or all elementary grades when it is deemed necessary.

4. Provide books for high school children in the public high schools of North Carolina on a rental basis. Said annual rental charge shall be collected in an amount not to exceed one-third of the cost of said textbooks: Provided, that free basal books may be furnished to high school children if sufficient funds are available and if the board finds it advisable to take such action.

5. Provide supplementary readers and other supplementary books for the elementary children in the public elementary schools of North Carolina on a rental basis. Said annual rental charge shall be collected in an amount not to exceed one-third of the cost of said textbooks: Provided, that the board shall not charge a rental fee for books, supplies, and materials used in the public schools in excess of the actual cost to the State, including the handling and administration of such rentals.

6. Provide and distribute all blanks, forms, and reports necessary to keep a careful record of all the books, including their use, state of repair and such other information as the board may require.

7. Buy and sell library books to be placed in the public schools of this State from a list to be selected by the State Superintendent of Public Instruction with the approval of the board and to be placed in such schools as may be designated by the board: Provided, that such library books shall be purchased in accordance with rules and regulations duly promulgated by the board.

8. Provide for the use of said textbooks without charge to the indigent children of the State.

9. Cause an annual audit to be made of all transactions of the board in administering said book funds, which audit shall show separately all items

of cost for furnishing free basal textbooks and all other items of cost and all rentals collected on rental books.

Sec. 2. Proper care of books; right to purchase. In the operation and management of both the free basal textbook system and the rental supplementary textbook system, plans shall be carried out whereby the same books, as far as possible, are assigned to the same school from year to year to the end that all children may be taught the proper care of books and that the cost of books for every school may be the more accurately determined. Those schools which reduce the cost of books by proper care may be given the advantage in additional new books to the amount of the saving: Provided, that nothing in this Article shall be construed to prevent the purchase of textbooks needed for any child in the public schools of the State from said board by any parent, guardian, or person in loco parentis.

Sec. 3. Legal custodians of books furnished by the State. County boards of education of county administrative unit and city boards of education of city administrative unit are hereby designated the legal custodians of all books furnished by the State, either for free use or on a rental basis. It shall be the duty of the said boards of education to provide adequate and safe storage facilities for the proper care of said books.

Sec. 4. Fumigation and disinfection of books. The State Superintendent of Public Instruction, in conjunction with the State Board of Health, shall adopt rules and regulations governing the use of fumigation and disposal of textbooks from quarantined homes and for the regular disinfection of all textbooks used in the public schools of the State: Provided, that said rules shall be attached to any rules and regulations that the State Board of Education may promulgate.

Sec. 5. County and city units may withdraw from State system. Whenever any county or city administrative unit has paid over to the State Board of Education, in rentals, a sum equal to the price fixed by said board for the sale of rental textbooks, said county or city administrative unit may, at its option, with the approval of the board, withdraw from the textbook rental system set up under rules and regulations adopted by the board, and upon such withdrawal shall become the absolute owner of all such textbooks for which the purchase price has been paid in full to the said board.

Sec. 6. Rentals paid to State treasury; for use of only those paying rentals. All sums of money collected as rentals under the provisions of this Article on State owned books shall be paid monthly as collected into the State treasury, to be entered as a separate item known as the "State Textbook Rental Fund", and shall be disbursed only by order of the State Board of Education. When all advances made from the general fund of the State for setting up said textbook rental system have been paid from rentals collected, any surplus funds shall be used only to reduce the annual rentals charged and to bear the expense of operating the State textbook rental system: Provided, that, in the discretion of the board, such surplus funds and other revenues of the textbook rental system may be used only for providing additional textbooks, library books, and other instructional materials for the use of the pupils who pay the rental fees.

Sec. 7. Free book system separate from the rental system. The system of providing free basal textbooks for both elementary and high schools, when provided, shall be separate from the rental textbooks and supplementary book system, and shall depend upon appropriations from the general fund of the State for both the cost of the books and for operating and administering the system.

Sec. 8. Duties and authority of superintendents of local administrative units; withholding salary for failure to comply with Section. It shall be the duty of the superintendent of each administrative unit as an official agent of the State Board of Education to administer the provisions of this Article and the rules and regulations of the board insofar as said Article and said rules and regulations may apply to said unit. The superintendent of every administrative unit shall have authority to require the cooperation of principals and teachers to the end that the children may receive the best possible service, and that all the books and moneys may be properly accounted for. In the event any principal or teacher shall fail to comply with the provisions of this Section, it shall be the duty of the superintendent to withhold the salary vouchers of said principal or teacher until the duties imposed hereby have been performed.

In the event any superintendent shall fail to comply with the provisions of this Section, it shall be the duty of the State Board of Education and the State Superintendent of Public Instruction to withhold salary vouchers of said superintendent and the State Treasurer shall not pay same until the duties imposed hereby have been performed, and it shall be the duty of the State superintendent as secretary of the State Board of Education to notify the State Board of Education and the State Treasurer in the event any superintendent shall fail to comply with the provisions of this Section, and no payment shall be made until notice has been received from the State Superintendent as secretary of the State Board of Education that the provisions of this Section have been complied with.

Sec. 9. County and city boards authorized to operate local systems. Any county or city board of education now operating a textbook rental system, or any such board that may hereafter withdraw from the State system under the provisions of Section 5 of this Article to operate its own system, shall be permitted to continue, or to operate, such local rental system without regulation from the State Board of Education except as provided in Section 10 of this Article.

County and city boards of education are hereby authorized and empowered to make all necessary rules and regulations concerning the operation of local rental systems to provide the children of their administrative units with the advantages of an adequate supply of basal and supplementary textbook, library books, and appropriate instructional materials. For these purposes, funds appropriated in the current expense and in the capital outlay budgets of such units may be used.

Sec. 10. Rental fees charged by administrative units operating local system. County and city boards of education shall charge rental fees in accordance with schedules submitted to and approved by the State Board of Education. The receipt given pupils upon the payment of any book

rentals shall show separately, the fee collected for basal textbooks, the fee collected for supplementary textbooks, the fee collected for library books, and the fee collected for instructional supplies.

Sec. 11. Boards must keep complete records and audit same; unlawful to use book funds for other purposes. It shall be the duty of such county and city boards of education as may establish a book fund and a rental system for their local units to keep an accurate and complete record of all receipts and disbursements made from such fund, and to cause such records and accounts thereof to be audited in July of each and every year and to file a copy of said audit with all the authorities required by law in the case of the annual audit of county and city boards of education.

It shall be unlawful for any county or city board of education to use any part of the funds so provided for any purpose, even temporarily, other than the purposes for which said fund is established.

Sec. 12. Boards may purchase books from State; patrons from boards. County and city boards of education are hereby authorized to purchase from the State Board of Education, basal and supplementary textbooks, library books, and instructional supplies for use in a local rental system. Any patron of the public schools may purchase textbooks from his county or city board of education at cost.

Sec. 13. How local rental funds handled and paid out. All school book rental fees collected by county and city boards of education shall be deposited as collected with the county or city treasurer, and shall be paid out only on vouchers signed by the chairman and secretary of such board.

ARTICLE 26

Vocational Education

Section 1. Acceptance of benefits of Federal Vocational Education Act. The State of North Carolina hereby accepts all of the provisions and benefits of an Act passed by the Congress of the United States entitled "An Act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditures" as provided by the Smith-Hughes Act and amendments thereto: Provided, however, that the State Board of Education is not authorized to accept any such funds upon any condition that the public schools of this State shall be operated contrary to any provision of the Constitution or statute of this State.

Sec. 2. Powers and duties of board. The State Board of Education shall have all necessary authority to cooperate with the Federal Board of Vocational Education in the Administration of the Federal Vocational Educational Act, to administer any legislation pursuant thereto enacted by the State of North Carolina, and to administer the funds provided by the Federal Government and the State of North Carolina for the promotion of vocational education in agricultural subjects, trade and industrial subjects, and home economics subjects. The board shall have full authority to formulate plans for the promotion of vocational education in such subjects as are

an essential and integral part of the public school system of education of the State of North Carolina, and to provide for the preparation of teachers in such subjects. It shall have full authority to fix the compensation, subject to the approval of the Personnel Department, of such officials and assistants as may be necessary to administer the Federal Act and this Article for the State of North Carolina, and to pay such compensations and other necessary expenses of administration from funds appropriated. It shall have authority to make studies and investigations relating to vocational education in such subjects; to publish the results of such investigations, and to issue other publications as seem necessary to the board; to promote and aid in the establishment by local communities of schools, departments, or classes giving instruction in such subjects; to cooperate with local communities in the maintenance of such schools, departments, or classes; to prescribe qualifications for teachers, directors, and supervisors of such subjects; to cooperate in the maintenance of classes supported and controlled by public institutions for the preparation of teachers, directors and supervisors of such subjects, or to maintain such classes under its own direction and control; to establish and determine by general regulations the qualifications to be possessed by persons engaged in the training of vocational teachers.

Sec. 3. State Superintendent to enforce Article. The State Superintendent of Public Instruction shall serve as executive officer of the State Board of Education, and shall designate, by and with the advice and consent of the State Board of Education, such assistants as may be necessary to properly carry out the provisions of this Article. The State Superintendent shall also carry into effect such rules and regulations as the board may adopt, and shall prepare such reports concerning the condition of vocational education in the State as the board may require.

Sec. 4. State appropriation for vocational education. The State of North Carolina appropriates out of the General Fund a sum of money for each fiscal year at least equal to the maximum sum which may be alloted to the State of North Carolina from the Federal treasury under the provisions of the Smith-Hughes Act and amendments thereto: Provided, that only such portion of the above State appropriation shall be used as may be necessary to carry on the work outlined in this Article to meet the Federal requirements or to meet requirements approved by the State Board of Education.

Sec. 5. State Treasurer authorized to receive and disburse vocational education funds. The State Treasurer is hereby designated and appointed custodian of all moneys received by the State from the appropriation made by said Act of Congress or any other Acts of Congress passed subsequent thereto, and he is authorized to receive and to provide for the proper custody of the same and to make disbursements thereof in the manner provided for in said Acts and for the purpose therein specified. He shall also pay out moneys appropriated by the State of North Carolina for the purpose of carrying out the provisions of this Article upon the order of the State Board of Education.

Sec. 6. Cooperation of county and city authorities with State board. County and city boards of education may cooperate with the State Board

of Education in the establishment of vocational schools or classes giving instruction in agricultural subjects, or trade and industrial subjects, or in home economics subjects and distributive education, and may use moneys raised by public taxation in the same manner as moneys are used for other public school purposes: Provided, that vocational teachers shall be employed in the same manner as are other public school teachers.

Sec. 7. High schools offering vocational agriculture authorized to acquire lands for forest study. 1. County and city boards of education are hereby authorized and empowered to acquire by gift, purchase or lease for not less than twenty years, a parcel of woodland or open land of not more than twenty acres suitable for forest planting or other vocational training.

2. Each deed for such land shall be made to "The ..... County Board of Education" for schools that are in the county administrative unit, and to "The ..... City Board of Education" for city schools undertaking forest study or other vocational training, and the title to such land shall be examined and approved by the county attorney.

3. Any school forest thus acquired shall be placed under the management of the department of vocational agriculture of the school, to be handled in accordance with plans approved by some available publicly employed forester.

ARTICLE 27

Textile Training School

Section 1. Creation of Board of trustees; members and terms of office; no compensation. The affairs of the North Carolina Vocational Textile School shall be managed by a board of trustees composed of six members, who shall be appointed by the Governor, and the State Director of Vocational Education as ex officio member thereof. The terms of office of the trustees appointed by the Governor shall be as follows: Two of said trustees shall be appointed for a term of two years; two for three years; and two for four years. At the expiration of such terms, the appointments shall be made for periods of four years. In the event of any vacancy on said boards, the vacancy shall be filled by appointment by the Governor for the unexpired term of the member causing such vacancy. The members of the said board of trustees appointed by the Governor shall serve without compensation. The re-enactment of this Section shall not have the effect of vacating the appointment or changing the terms of any of the members of said board of trustees heretofore appointed.

Sec. 2. Powers of board. The said board of trustees shall hold all the property of the North Carolina Vocational Textile School and shall have the authority to direct and manage the affairs of said school, and within available appropriations therefor, appoint a managing head and such other officers, teachers and employees as shall be necessary for the proper conduct thereof. The board of trustees, on behalf of said school, shall have the right to accept and administer any and all gifts and donations from the United States Government or from any other source which may be useful in carrying on the affairs of said school. Provided, however, that the said board of trustees is not authorized to accept any such funds upon any con-

dition that the said school shall be operated contrary to any provision of the Constitution or statutes of this State.

Sec. 3. Board vested with powers and authority of former boards. The board of trustees acting under authority of this Article is vested with all the powers and authority of the board created under authority of Chapter 360 of the Public Laws of 1941, and the board created under authority of Chapter 806 of the Session Laws of 1945.

Sec. 4. Persons eligible to attend institution; subjects taught. Persons eligible for attendance upon this institution shall be at least sixteen years of age and legal residents of the State of North Carolina: Provided, that out-of-state students, not to exceed ten per cent (10%) of the total enrollment, may be enrolled when vacancies exist, upon payment of tuition, the amount of tuition to be determined by the board of trustees. The money thus collected is to be deposited in the treasury of the North Carolina Vocational Textile School, to be used as needed in the operation of the school. The institution shall teach the general principles and practices of the textile manufacturing and related subjects.

ARTICLE 28

Vocational Training in Building Trades

Section 1. Use of funds for purchase of building sites, materials, and for acquiring skilled services. Local school administrative units are authorized to use supplementary tax funds or other local funds available for the support of vocational education to purchase suitable building sites on which dwellings or other buildings are to be constructed by vocational building trades classes. Such school administrative units are authorized to use such funds to pay any fees necessary in securing and recording deeds to such property and to purchase all materials needed to complete the construction of buildings by vocational building trades classes: Provided, however, that the cost of materials for any one project shall not exceed seven thousand dollars ($7,000.00) and not more than one project may be undertaken within one school year.

Local school administrative units are authorized to expend such funds in acquiring skilled services, including electrical, plumbing, heating, sewer, water, transportation, grading and landscaping needed in the construction and completion of buildings beyond those which can be supplied by the students in such vocational trades classes.

Sec. 2. Sale of buildings constructed by building trades classes; disposition of proceeds. When any such building is completed, the governing body of the local school administrative unit, upon finding that such building is not needed for public school purposes, shall sell the same at public auction in the same manner and by the same procedure as is provided in subsection 1, Section 2 of Article 15 of this Chapter. The proceeds from the sale of such projects may be kept in a revolving fund by said unit to be used in succeeding years to finance similar building projects: Provided, that the board of education of the administrative unit may allocate from the profits from such projects funds to purchase equipment needed by the building trades classes. In case this type of activity is abandoned, the moneys

accumulated shall be paid into the school fund of the county or city administrative unit from which the original appropriation was made.

Sec. 3. Advisory committee on construction of projects. The board of education of the administrative unit in which the proposed project of construction is to be undertaken shall appoint an advisory committee composed of five persons residing within the administrative unit and no project of a nature described in this Article shall be undertaken without the approval of a majority of the advisory committee.

ARTICLE 29

Vocational Rehabilitation of Persons Disabled in Industry or Otherwise

Section 1. Acceptance of Federal aid. The State of North Carolina hereby accepts all of the provisions and benefits of an Act passed by the Congress of the United States to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, approved as Public Law 565, August third one thousand nine hundred fifty-four. Provided, however, that the State Board of Education is not authorized to accept any such funds upon any condition that the public schools of this State shall be operated contrary to any provision of the Constitution or statute of this State.

Sec. 2. Authority to cooperate and plan program of rehabilitation. The State Board of Education shall have all necessary authority to cooperate with the Federal Office of Vocational Rehabilitation in the administration of the Act of Congress providing for the vocational rehabilitation of persons injured in industry or otherwise; to administer any legislation pursuant thereto enacted by the State of North Carolina; and to administer the funds provided by the Federal Government and the State of North Carolina. The board shall have full authority to formulate plans for the promotion of vocational rehabilitation, and it shall have full authority, subject to the approval of the Personnel Department to fix the compensation of such officials and assistants as may be necessary to administer the Federal Act and this Article for the State of North Carolina; and to pay such compensation and other expenses of administration as are necessary from funds appropriated under this law. It shall have authority to make studies and investigations relating to vocational rehabilitation; to publish the results of such investigations and to issue other publications as seem necessary to the board; to promote and aid in the establishment of schools, departments, or classes giving instruction in vocational subjects for rehabilitation purposes; and to prescribe qualifications for the teachers, directors, and supervisors of such subjects.

The State Board of Education, in order to carry out the provisions of this Article, shall secure the cooperation of Federal, State, and local health agencies in getting a complete report of any persons under treatment in hospitals, clinics, dispensaries, health officers and private physicians, for any injury or disease that may render them permanently, physically, and vocationally handicapped to such an extent that they are, or will be, unable to support themselves.

ARTICLE 30

Licensing of Commercial and Trade Schools

Section 1. Commercial college or business school defined. A commercial college or business school shall be defined as follows: Any person, partnership, association of persons, or any corporation, or operators of correspondence schools, within the State of North Carolina, which teaches publicly, for compensation, any or all of the branches of accounting, bookkeeping, stenotype, stenography, typing, telegraphy, and other commercial subjects which are usually taught in commercial colleges or business schools: Provided, that any person or individual who undertakes to give instruction in the above subjects to five (5) or fewer students shall not be construed as the operator of a commercial college or business school.

Sec. 2. Trade school defined. A trade school shall be defined as follows: Any person, partnership, association of persons, or any corporation within the State of North Carolina which teaches publicly, for compensation, any or several of the subjects needed to train youth or adults in the skills, technical knowledge, related industrial information, and job judgment, necessary for success in one or more skilled trades or industrial occupations: Provided, that any person or individual who undertakes to give instruction in the above subjects to five (5) or fewer students shall not be construed as the operator of a trade school; provided further, that any school for which there is a legally existing licensing board, is exempt from the provisions of this Article.

Sec. 3. Must secure license before operating. Any party or parties mentioned in Sections 1 and 2 of this Article, residing within the State of North Carolina, desiring to establish and operate a commercial college, business school, trade school, or a branch of either such college or school for the purpose of teaching such courses as are usually taught in such colleges, business schools and trade schools, before commencing business, must secure a license from the State Board of Education of the State of North Carolina authorizing said party or parties to open and conduct such college, or school, or branches thereof.

Sec. 4. Application for license; investigation; fees. Application for a license to open and conduct such a college, or school, shall be made to the State Board of Education on blanks furnished by said board, and such application shall be properly verified and shall contain such of the following information as may apply to the particular college, or school, for which license is sought: (1) The title or name of the school or classes, together with the name and address of the ownership and of the controlling officers thereof; (2) the general field of instruction which will be offered and the purpose of such instruction; (3) the place or places where such instruction will be given; (4) a specific listing of the equipment available for instruction in each field; (5) the qualification of instructors and supervisors; (6) financial resources available to equip and to maintain the school or classes; (7) and such additional information as the board may deem necessary to enable it to determine the adequacy of the program of instruction and matters pertaining thereto.

If, after due investigation and consideration on the part of said board,

it is shown to the satisfaction of said board that said applicant is both professionally and finanically qualified to conduct said college or school and that the operators thereof posses good moral character, then said board shall approve said application and issue a license to said applicant. Before such license is issued, the applicant shall pay to the State Board of Education a fee of not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00); the amount of said fee shall be in the discretion of said board and the fee shall be fixed by said board to cover travel and other expense of its representatives in investigating the application and any complaint against such college or school. All such fees shall be paid when the license is issued and annually thereafter on the first day of July so long as said school shall continue to operate.

Sec. 5. Execution of bond required; filing and recording. Before the State Board of Education shall issue such permit, the person, partnership, association of persons, or corporation shall execute a bond in the sum of one thousand dollars ($1,000.00), signed by a solvent guaranty company authorized to do business in the State of North Carolina, or by two solvent sureties, payable to the Clerk of the Superior Court of the county in which such college, branch college, or school will be located and conduct its business, conditioned that the principal in said bond will carry out and comply with each and all contracts, made and entered into by said college, or branch college, or school, acting by and through its officers and agents, with any student who desires to enter such college or school and to take any courses offered therein and will pay back to such student all amounts collected for tuition and fees in case of failure on the part of the parties obtaining a license from the State Board of Education to open and conduct a commercial college, or branch college or trade school, to comply with its contracts to give the instructions contracted for, and for the full period evidenced by such contract. Such bond shall be filed with the Clerk of Superior Court of the county in which the college, or branch, or school, executing the bond is located, and recorded by such Clerk in a book provided for that purpose.

The requirement herein specified for giving the aforesaid bond of one thousand dollars ($1,000.00) shall apply to all commercial colleges, business schools and correspondence schools, trade schools, and branches thereof operating in North Carolina, and the said State Board of Education shall not issue any license to any person, firm, or corporation to operate any of the aforesaid schools until said bond has been given and notice of the approval of same by the Clerk of Superior Court has been filed with said Board of Education. Operators' bonds of one thousand dollars ($1,000.00) each shall be required for each branch of such commercial colleges, business schools, correspondence schools, or trade schools operated within the State by any person, partnership, or corporation.

Sec. 6. Right of action upon bond in event of breach; revocation of permit; board generally to supervise schools. In any and all cases where the party receiving the license from the State Board of Education fails to comply with any contract made and entered into with any student, or with the parents or guardian of said student, then said student, parent, or

guardian entering into the contract shall have a cause of action against the sureties on the bond as herein provided for the full amount of the payments made to such person, with six per cent (6%) interest from the date of payment of said amount. For a proven violation of its contract with its students, the State Board of Education is authorized to revoke the license issued to the offending school. Through periodic reports required of licensed colleges and schools and by inspections made by members of the State Board of Education or its authorized representatives, the State Board of Education shall have general supervision over commercial and trade schools of the State, the object of said supervision being to protect the public welfare by having the licensed commercial and trade schools maintain proper school quarters, equipment, and teaching forces and to have the school carry out its advertised promises and contracts made with its students and patrons.

Sec. 7. Operating a school without license made misdemeanor. Any person, or each member of any partnership, or each member of any association of persons, or each officer of any corporation who opens and conducts a commercial college, or branch college, or business school, or trade school, as defined in this Article without first having obtained the license herein required, and without first having executed the bond required, shall be guilty of a misdemeanor and be punishable by a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00), and each day said college or school continues to be open and operated shall constitute a separate offense.

Sec. 8. Institutions exempted. The provisions of this Article shall not apply to any established university, professional, or liberal arts college, regular high school or any State institution which has heretofore adopted, or which may hereinafter adopt, one or more commercial courses, provided the tuition fees and charges, if any, made by such university, college, high school, or State institution shall be collected by their regular officers in accordance with the rules and regulations prescribed by the board of trustees or governing body of such university, college, or high school; but the provisions of this Article shall apply to all commercial colleges, business schools, trade schools, and correspondence schools, as defined in this Article and operated within the State of North Carolina as such institutions, except schools for which there are legally existing licensing boards.

Sec. 9. Application of this Article to nonresidents, etc. All persons, partnerships, associations of persons, which are nonresidents of North Carolina or corporations organized and chartered under the laws of any other state, must comply with the provisions of this Article before such can open and conduct a commercial college, or branch college, business school, or trade school, in the State of North Carolina.

Sec. 10. Solicitors. All persons soliciting students within the State of North Carolina for any commercial, correspondence or trade schools as defined in this Article and located within or without the State of North Carolina, shall be required to secure on July first of each year an annual license from the State Board of Education, such license to cost two dollars ($2.00). When application is made for such license by a solicitor, he shall

submit to said board for its approval a copy of the contract offered prospective students and used by his said school, together with advertising material and other representations made by said school to its students or prospective students. When license is issued to such a solicitor, he shall receive a license card permitting him to solicit students for his school, but such license shall be issued only on an annual basis expiring June thirtieth of each year and must be renewed to entitle such solicitor to solicit students thereafter. Every college or school employing such solicitors shall be responsible for the acts, representations and contracts made by its solicitors. Any person soliciting students for any such schools without first having secured a license from the State Board of Education shall be guilty of a misdemeanor and be punishable by a fine of fifty dollars ($50.00), or thirty days' imprisonment, or both, at the discretion of the court.

ARTICLE 31

Non-public Schools

Section 1. Responsibility of the State Board of Education to supervise non-public schools. The State Board of Education, while providing a general and uniform system of education in the public schools of the State, shall always protect the right of every parent to have his children attend a non-public school by regulating and supervising all non-public schools serving children of secondary school age, or younger, to the end that all children shall become citizens who possess certain basic competencies necessary to properly discharge the responsibilities of American citizenship. The board shall not, in its regulation of such non-public schools, interfere with any religious instruction which may be given in any private, denominational, or parochial school, but such non-public school shall meet the State minimum standards as prescribed in the course of study, and the children therein shall be taught the branches of education which are taught to the children of corresponding age and grade in the public schools and such instruction, except courses in foreign languages, shall be given in the English language.

Sec. 2. Teachers in non-public schools must have certificate for the grades they teach; the instruction given in such schools must substantially equal that given in the public schools. All non-public schools in the State and all teachers employed or who give instruction therein, shall be subject to and governed by the provisions of law for the operation of the public schools insofar as they apply to the qualifications and certification of teachers and the promotion of pupils; and the instruction given in such schools shall be graded in the same way and shall have courses of study for each grade conducted therein substantially the same as those given in the public schools where children would attend in the absence of such non-public school.

No person shall be employed to teach in a non-public school who has not obtained a teacher's certificate entitling such teacher to teach corresponding courses or classes in public schools.

Sec. 3. Operators of non-public schools must report certain information. The supervisory officer or teacher of all non-public schools shall report to

the superintendent of the administrative unit in which such school is located within two weeks of the opening of such school, and within two weeks of the enrollment therein, the names of all pupils attending, their ages, parents' or guardians' names, and places of residence. Likewise, such officer or teacher shall report to such superintendent the withdrawal of any pupil within two weeks of such withdrawal. The supervisory officer or teacher of non-public schools shall make such reports as may be required of him by the State Board of Education, or such additional reports as are requested by the superintendent of the administrative unit in which such school is located; and he shall furnish to any court from time to time any information and reports requested by any judge thereof relating to the attendance, conduct and standing of any pupil enrolled in such school if said pupil is at the time awaiting examination or trial by the court or is under the supervision of the court.

ARTICLE 32

State Board of Education to License Certain Institutions and Regulate Degrees

Section 1. Right to confer degrees restricted. No educational institution created or established after April 15, 1923, by any person, firm, or corporation in this State shall have power or authority to confer degrees upon any person except as herein provided.

Sec. 2. Powers to grant license to confer degrees. The State Board of Education is authorized to issue its license to confer degrees in such form as it may prescribe to an educational institution established after April 15, 1923 by any person, firm, or corporation in this State; but no educational institution established in the State subsequent to said date shall be empowered to confer degrees unless it has income sufficient to maintain adequate faculty and equipment sufficient to provide adequate means of instruction in the arts and sciences, or any other recognized field of learning or knowledge, and unless its baccalaureate degree is conferred only upon students who have completed a four-year college course, preceded by the usual four-year high school course, or their equivalent.

Sec. 3. Inspection of institution; revocation of license. All institutions licensed under this Article shall file such information with the State Superintendent of Public Instruction as the State Board of Education may direct, and said board shall have full authority to evaluate any institution applying for a license to confer degrees under this Article. And if any one of them shall fail to maintain the required standard the State Board of Education shall revoke the license to confer degrees, subject to a right of review of this decision by a Judge of the Superior Court upon action instituted by the educational institution whose license had been revoked."

Sec. 2. Severability clause. If for any reason, any Section, provision, item, phrase, clause, sentence or part of any Section of this Act shall be unconstitutional, the invalidity of such Section, provision, item, phrase, clause, sentence or part of Section shall not affect the validity of the remainder of this Act; but such remainder shall be permitted to stand and the various provisions of this Act are hereby declared to be separable for that purpose.

Sec. 3. All general laws and clauses of laws in conflict with the provisions of this Act are hereby repealed, but this Act shall not be construed to repeal any local or special Acts relating to the public schools, nor shall this Act be construed as repealing or modifying any of the provisions of Chapter 366, Session Laws of 1955, entitled "An Act to Provide for the Enrollment of Pupils in Public Schools", or Chapter 664, Session Laws of 1955, entitled "An Act Terminating the Contracts of All Principals and Teachers in the Public Schools of North Carolina as of the End of the 1954-1955 School Term and Providing the Procedure for the Employment of Principals and Teachers Thereafter."

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 859 CHAPTER 1373

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT OF THE SEVERAL COUNTIES OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-70 is amended and rewritten to read as follows:

G. S. 7-70. Terms of Court.—A Superior Court shall be held by a judge thereof at the courthouse in each county. The Superior Courts in the several counties shall be opened and terms of court held in each year at the times hereinafter set forth. Each court shall continue in session one week and be for the trial of criminal and civil cases, except as otherwise provided, unless the business thereof shall be sooner disposed of. Each county shall have the number of regular weeks of Superior Court as set out in this Section.

FIRST DIVISION

First District

Camden—The fifth Monday after the first Monday in March; the third Monday after the first Monday in September; the ninth Monday after the first Monday in September to continue one week for the trial of civil cases only.

Chowan—The fourth Monday after the first Monday in March; the eighth Monday after the first Monday in March to continue one week for the trial of civil cases only; the first Monday after the first Monday in September; the twelfth Monday after the first Monday in September.

Currituck—The sixth Monday before the first Monday in March to continue one week for the trial of civil cases only; the first Monday in March; the first Monday in September; the fifth Monday after the first Monday in September to continue one week for the trial of civil cases only.

Dare—The seventh Monday before the first Monday in March to continue one week for the trial of civil cases only; the twelfth Monday after

the first Monday in March; the seventh Monday after the first Monday in September.

Gates—The third Monday after the first Monday in March; the eleventh Monday after the first Monday in March to continue one week for the trial of civil cases only; the eighth Monday after the first Monday in September.

Pasquotank—The eighth Monday before the first Monday in March to continue one week for the trial of civil cases only; the third Monday before the first Monday in March to continue one week for the trial of civil cases only; the second Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the fifteenth Monday after the first Monday in March to continue one week for the trial of civil cases only; the second Monday after the first Monday in September to continue one week for the trial of civil cases only; the sixth Monday after the first Monday in September to continue one week for the trial of civil cases only; the tenth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

Perquimans—The fifth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the sixth Monday after the first Monday in March; the eleventh Monday after the first Monday in September.

The judge holding the courts of the First Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any other county of the State, without extra compensation, for the weeks beginning the first Monday after the first Monday in March, the second Monday after the first Monday in March, the eighth Monday before the first Monday in September, the seventh Monday before the first Monday in September, and the sixth Monday before the first Monday in September.

Second District

Beaufort—The sixth Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the second Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday after the first Monday in March to continue one week for the trial of criminal cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in March to continue one week for the trial of civil cases only; the sixteenth Monday after the first Monday in March; the second Monday after the first Monday in September to continue one week for the trial of criminal cases only; the sixth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the

thirteenth Monday after the first Monday in September to continue one week for the trial of civil cases only.

Hyde—The eleventh Monday after the first Monday in March; the fifth Monday after the first Monday in September; the eighth Monday after the first Monday in September to continue one week for the trial of civil cases only.

Martin—The eighth Monday before the first Monday in March to continue one week for the trial of civil cases only; the second Monday after the first Monday in March; the fifth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the twelftn Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifteenth Monday after the first Monday in March; the fourth Monday before the first Monday in September to continue one week for the trial of civil cases only; the third Monday after the first Monday in September to continue one week for the trial of criminal cases only; the eleventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in September.

Tyrrell—The fourth Monday before the first Monday in March to continue one week for the trial of civil cases only; the seventh Monday after the first Monday in March; the fourth Monday after the first Monday in September.

Washington—The seventh Monday before the first Monday in March to continue one week for the trial of criminal cases only; the third Monday before the first Monday in March to continue one week for the trial of civil cases only; the fourth Monday after the first Monday in March to continue one week for the trial of civil cases only; the eighth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the first Monday after the first Monday in September to continue one week for the trial of criminal cases only; the tenth Monday after the first Monday in September to continue one week for the trial of civil cases only.

The judge holding the courts of the Second Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any other county of the State, without extra compensation, for the weeks beginning the eighth Monday before the first Monday in September and the seventh Monday before the first Monday in September.

Third District

Carteret—The first Monday after the first Monday in March to continue one week for the trial of civil cases only; the fourth Monday after the first Monday in March; the eighth Monday after the first Monday in March to continue one week for the trial of civil cases only; the fourteenth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the sixth Monday after the first Monday in September to continue one week for the trial of civil cases only; the ninth Monday after the first Monday in September.

Craven—The eighth Monday before the first Monday in March to con-

tinue two weeks for the trial of civil and criminal cases; the fourth Monday before the first Monday in March to continue three weeks for the trial of civil cases only; the fifth Monday after the first Monday in March; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in March; the first Monday in September to continue two weeks for the trial of civil and criminal cases; the fourth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the tenth Monday after the first Monday in September; the twelfth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

Pamlico—The fourth Monday before the first Monday in September to continue two weeks for the trial of civil and criminal cases.

In addition to the above term of court, there shall be held in the County of Pamlico the following term of court: The third Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

Pitt—The sixth Monday before the first Monday in March to continue one week for the trial of civil cases only; the fifth Monday before the first Monday in March; the first Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the second Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the sixth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases the first week and for the trial of civil cases only the second week; the sixteenth Monday after the first Monday in March to continue one week for the trial of civil cases only; the second Monday before the first Monday in September to continue one week for the trial of civil cases only; the first Monday before the first Monday in September; the second Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases; the eleventh Monday after the first Monday in September to continue one week for the trial of civil cases only; the fourteenth Monday after the first Monday in September.

The judge holding the courts of the Third Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any other county of the State, without extra compensation, for the week beginning the seventh Monday before the first Monday in September.

Fourth District

Duplin—The sixth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the third Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday after the first

Monday in March to continue one week for the trial of criminal cases only; the seventh Monday after the first Monday in March to continue one week for the trial of civil cases only; the first Monday before the first Monday in September; the first Monday in September to continue one week for the trial of civil cases only; the fifth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the ninth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

Jones—The first Monday in March; the tenth Monday after the first Monday in March to continue one week for the trial of civil cases only; the third Monday after the first Monday in September; the eighth Monday after the first Monday in September to continue one week for the trial of civil cases only; the twelfth Monday after the first Monday in September.

Onslow—The eighth Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the first Monday before the fiirst Monday in March to continue one week for the trial of civil and criminal cases; the third Monday after the first Monday in March to continue one week for the trial of civil cases; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the fourth Monday after the first Monday in September to continue one week for the trial of civil and criminal cases; the tenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

In addition to the terms of court provided for above, there shall be held in the County of Onslow the following term of court: The seventh Monday before the first Monday in September for the trial of civil cases and criminal cases where the defendant is in jail. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

Sampson—The fifth Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the fifth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eighth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the ninth Monday after the first Monday in March to continue one week for the trial of civil cases only; the thirteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday before the first Monday in September to continue two weeks for the trial of civil and criminal cases; the first Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the sixth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the seventh Monday after the first Monday in September to continue one week for the trial of civil cases only.

Fifth District

New Hanover—The seventh Monday before the first Monday in March to continue one week for the trial of criminal cases only; the sixth Monday before the first Monday in March to continue two weeks for the trial of

civil cases only; the third Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the first Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the sixth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in March to continue one week for the trial of criminal cases only; the twelfth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the fifteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifth Monday before the first Monday in September to continue one week for the trial of criminal cases only; the fourth Monday before the first Monday in September to continue one week for the trial of civil cases only; the second Monday before the first Monday in September to continue one week for the trial of criminal cases only; the first Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fourth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the fifth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the eighth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the eleventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only.

Pender—The eighth Monday before the first Monday in March; the fourth Monday before the first Monday in March to continue one week for the trial of civil cases only; the third Monday after the first Monday in March; the eighth Monday after the first Monday in March to continue one week for the trial of civil cases only; the first Monday in September to continue one week for the trial of civil cases only; the third Monday after the first Monday in September; the seventh Monday after the first Monday in September to continue one week for the trial of civil cases only; the tenth Monday after the first Monday in September.

The judge holding the courts of the Fifth Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any other county of the State, without extra compensation, for the week beginning the first Monday before the first Monday in September.

Sixth District

Bertie—The third Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the tenth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the first Monday before the first Monday in September to

continue two weeks for the trial of civil and criminal cases the first week and for the trial of civil cases only the second week; the eleventh Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

Halifax—The fifth Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the first Monday in March to continue two weeks for the trial of civil cases only; the eighth Monday after the first Monday in March; the twelfth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the third Monday before the first Monday in September to continue two weeks for the trial of civil and criminal cases; the fourth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in September to continue one week for the trial of criminal cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

Hertford—The first Monday before the first Monday in March; the sixth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the first Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases the first week and for the trial of civil cases only the second week; the sixth Monday after the first Monday in September.

In addition to the terms of court provided for above, there shall be held in the County of Hertford the following term of court: The seventh Monday before the first Monday in September. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

Northampton—The fourth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the fourth Monday before the first Monday in September; the eighth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

The judge holding the courts of the Sixth Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any other county of the State, without extra compensation, for the weeks beginning the eighth Monday before the first Monday in March; the seventh Monday before the first Monday in March, the sixth Monday before the first Monday in March, the fifteenth Monday after the first Monday in March, and the sixteenth Monday after the first Monday in March.

Seventh District

Edgecombe—The sixth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the first Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the seventh Monday after the first Monday in March to continue one week for the trial of criminal cases only; the thirteenth

Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the second Monday after the first Monday in September to continue one week for the trial of criminal cases only; the fifth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the ninth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

In addition to the terms of court provided for above, there shall be held in the County of Edgecombe the following term of court: The third Monday after the first Monday in March to continue two weeks for the trial of civil cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

Nash—The fifth Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the first Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the second Monday before the first Monday in September to continue one week for the trial of criminal cases only; the first Monday after the first Monday in September to continue one week for the trial of civil cases only; the third Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in September to continue two weeks for the trial of criminal cases only.

Wilson—The eighth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the third Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the fifteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the seventh Monday before the first Monday in September to continue one week for the trial of criminal cases only; the first Monday before the first Monday in September to continue two weeks for the trial of criminal cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

In addition to the terms of court provided for above, there shall be held in the County of Wilson the following terms of court: The first Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in September to continue two weeks for the trial of criminal cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

Eighth District

Greene—The eighth Monday before the first Monday in March to continue one week for the trial of civil cases only; the first Monday before the first Monday in March; the eighth Monday after the first Monday in March; the thirteenth Monday after the first Monday in September.

In addition to the above terms of court, there shall be held in the County of Greene the following terms of court: The fifth Monday after the first Monday in September to continue one week for the trial of civil cases only; the sixth Monday after the first Monday in September to continue one week for the trial of criminal cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the terms of court set forth in this paragraph.

Lenoir—The seventh Monday before the first Monday in March to continue one week for the trial of criminal cases only; the third Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the second Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the sixth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifteenth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the second Monday before the first Monday in September to continue one week for the trial of criminal cases only; the first Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fifth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the eleventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in September.

Wayne—The sixth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the fifth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday before the first Monday in September to continue one week for the trial of criminal cases only; the first Monday before the first Monday in September to continue two weeks for the trial of civil cases only; the third Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

In addition to the terms of court provided for above, there shall be held in the County of Wayne the following terms of court: The thirteenth

Monday after the first Monday in September to continue one week for the trial of civil cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

The judge holding the courts of the Eighth Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any other county of the State, without extra compensation, for the weeks beginning the eighth Monday before the first Monday in September and the seventh Monday before the first Monday in September.

SECOND DIVISION

Ninth District

Franklin—The fourth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the second Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the tenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the second Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the sixth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the twelfth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

Granville—The sixth Monday before the first Monday in March; the fifth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the sixth Monday before the first Monday in September; the fifth Monday after the first Monday in September to continue one week for the trial of civil cases only; the tenth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

Person—The third Monday before the first Monday in March; the third Monday after the first Monday in March to continue for two weeks for the trial of civil cases; the twelfth Monday after the first Monday in March; the first Monday after the first Monday in September; the eighth Monday after the first Monday in September.

In addition to the above terms of court there shall be held in the County of Person the following term of court: the fourth Monday after the first Monday in September to continue for two weeks for the trial of civil cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the above term of court.

Vance—The seventh Monday before the first Monday in March to continue one week for the trial of criminal cases only; the first Monday in March to continue one week for the trial of criminal cases only; the second Monday after the first Monday in March to continue one week for the trial of civil cases only; the fifteenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the sixteenth Monday after the first Monday in March to continue one week for the trial

of civil cases only; the fourth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the ninth Monday after the first Monday in September to continue one week for the trial of civil cases only.

Warren—The eighth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the fifth Monday before the first Monday in March to continue one week for the trial of civil cases only; the first Monday after the first Monday in March to continue one week for the trial of civil cases only; the ninth Monday after the first Monday in March to continue one week for the trial of civil cases only; the thirteenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the first Monday in September to continue one week for the trial of criminal cases only; the seventh Monday after the first Monday in September to continue one week for the trial of civil cases only.

Tenth District

Wake—The eighth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the seventh Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fifth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the third Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the first Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday after the first Monday in March to continue one week for the trial of criminal cases only; the fourth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the sixth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eighth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the fifteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday before the first Monday in September to continue one week for the trial of civil cases only; the first Monday before the first Monday in September to continue one week for the trial of civil cases only; the first Monday in September to continue two weeks for the trial of criminal cases only; the second Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fourth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the fifth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in September to continue two weeks for the trial of civil

cases only; the ninth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the eleventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only.

In addition to the terms of court provided for above, there shall be held in the County of Wake the following terms of court: The eighth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the sixteenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the eighth Monday before the first Monday in September to continue two weeks for the trial of criminal cases only; the sixth Monday before the first Monday in September to continue one week for the trial of civil cases only; the first Monday in September to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in September to continue two weeks for the trial of civil cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the terms of court set forth in this paragraph.

Eleventh District

Harnett—The eighth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the second Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the second Monday after the first Monday in March to continue one week for the trial of criminal cases only; the seventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in March to continue one week for the trial of criminal cases only; the twelfth Monday after the first Monday in March to continue one week for the trial of civil cases only; the fourteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday before the first Monday in September to continue one week for the trial of civil cases only; the fifth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

In addition to the terms of court provided for above, there shall be held in the County of Harnett the following terms of court: The seventh Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday before the first Monday in September to continue one week for the trial of criminal cases only; the first Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the tenth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the terms of court set forth in this paragraph.

Johnston—The seventh Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday before the first Monday in March; the first Monday in March to continue two weeks for the trial of civil cases; the fourth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the sixth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in March; the sixteenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the second Monday before the first Monday in September; the third Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in September; the ninth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

In addition to the terms of court provided for above there shall be held in Johnston County the following term of court for the trial of criminal and civil cases: The second Monday before the first Monday in March to continue for one week. The Chief Justice shall assign a regular, special or emergency judge to hold this term of court.

Lee—The fifth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday after the first Monday in March to continue one week for the trial of criminal cases only; the fifth Monday before the first Monday in September to continue one week for the trial of criminal cases only; the fourth Monday before the first Monday in September to continue one week for the trial of civil cases only; the first Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the eighth Monday after the first Monday in September to continue one week for the trial of criminal cases only.

In addition to the terms of court provided for above, there shall be held in the County of Lee the following terms of court: The ninth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the twelfth Monday after the first Monday in September to continue one week for the trial of civil cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the terms of court set forth in this paragraph.

Twelfth District

Cumberland—The eighth Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the sixth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the second Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday after the first Monday in March to

continue two weeks for the trial of criminal cases only; the fourth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the sixth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the thirteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifteenth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the fourth Monday before the first Monday in September to continue one week for the trial of civil cases only; the first Monday before the first Monday in September to continue two weeks for the trial of criminal cases only; the first Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the third Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the fifth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the twelfth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in September to continue one week for the trial of criminal cases only.

Hoke—The first Monday in March; the eighth Monday after the first Monday in March; the second Monday before the first Monday in September; the eleventh Monday after the first Monday in September.

The judge holding the courts of the Twelfth Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any other county of the State, without extra compensation, for the weeks beginning the seventh Monday after the first Monday in September and the eighth Monday after the first Monday in September.

Thirteenth District

Bladen—The second Monday before the first Monday in March; the second Monday after the first Monday in March to continue one week for the trial of civil cases only; the seventh Monday after the first Monday in March; the eleventh Monday after the first Monday in March to continue one week for the trial of civil cases only; the seventh Monday after the first Monday in September to continue one week for the trial of criminal cases only; the tenth Monday after the first Monday in September to continue one week for the trial of civil cases only.

Brunswick—The sixth Monday before the first Monday in March; the first Monday before the first Monday in March to continue one week for the trial of civil cases only; the eighth Monday after the first Monday in March to continue one week for the trial of civil cases only; the tenth Monday after the first Monday in March; the second Monday after the first Monday in September; the sixth Monday after the first Monday in September to continue one week for the trial of civil cases only.

Columbus—The eighth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fifth Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the first Monday in March to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in March to continue for the trial of criminal cases only; the fifteenth Monday after the first Monday in March; the first Monday in September to continue two weeks for the trial of criminal cases only; the third Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fifth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the eighth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in September to continue two weeks for the trial of criminal cases only.

The judge holding the courts of the Thirteenth Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any other county of the State, without extra compensation, for the weeks beginning the third Monday after the first Monday in March; the fourth Monday after the first Monday in March, the fifth Monday after the first Monday in March; the sixth Monday after the first Monday in March, the thirteenth Monday after the first Monday in March, the fourteenth Monday after the first Monday in March, the sixteenth Monday after the first Monday in March, the eighth Monday before the first Monday in September, the seventh Monday before the first Monday in September, the thirteenth Monday after the first Monday in September, and the fourteenth Monday after the first Monday in September.

Fourteenth District

Durham—The eighth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the seventh Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fifth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the fourth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the second Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the first Monday in March to continue two weeks for the trial of civil cases only; the second Monday after the first Monday in March to continue one week for the trial of criminal cases only; the third Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the fifth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in March to continue one week for the trial of criminal cases only; the eighth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the tenth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the twelfth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in March

to continue one week for the trial of criminal cases only; the fifteenth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the fifth Monday before the first Monday in September to continue two weeks for the trial of civil and criminal cases; the first Monday before the first Monday in September to continue one week for the trial of criminal cases only; the first Monday in September to continue one week for the trial of civil cases only; the first Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the fourth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the sixth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the eighth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the tenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the twelfth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases; the fourteenth Monday after the first Monday in September to continue one week for the trial of criminal cases only.

In addition to the terms of court provided for above, there shall be held in the County of Durham the following term of court: The eighth Monday before the first Monday in September to continue two weeks for the trial of criminal cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

Fifteenth District

Alamance—The eighth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday in March to continue two weeks for the trial of criminal cases only; the sixth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the fifth Monday before the first Monday in September to continue one week for the trial of civil cases only; the third Monday before the first Monday in September to continue two weeks for the trial of criminal cases only; the first Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the sixth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the tenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue one week for the trial of criminal cases only.

Chatham—The fifth Monday before the first Monday in March to continue one week for the trial of civil cases only; the second Monday before

the first Monday in March; the second Monday after the first Monday in March to continue one week for the trial of civil cases only; the tenth Monday after the first Monday in March; the first Monday in September to continue one week for the trial of civil cases only; the fifth Monday after the first Monday in September; the eighth Monday after the first Monday in September to continue one week for the trial of civil cases only; the ninth Monday after the first Monday in September to continue one week for the trial of civil cases only; the twelfth Monday after the first Monday in September to continue one week for the trial of criminal cases only.

In addition to the above terms of court, there shall be held in the County of Chatham the following term of court: The fifteenth Monday after the first Monday in March to continue one week for the trial of civil cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

Orange—The sixth Monday before the first Monday in March to continue one week for the trial of civil cases only; the first Monday before the first Monday in March to continue one week for the trial of criminal cases only; the third Monday after the first Monday in March to continue one week for the trial of civil cases only; the eighth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the sixteenth Monday after the first Monday in March to continue one week for the trial of civil cases only; the fourth Monday before the first Monday in September to continue one week for the trial of criminal cases only; the third Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in September.

Sixteenth District

Robeson—The eighth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the sixth Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the first Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday after the first Monday in March to continue one week for the trial of criminal cases only; the third Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the seventh Monday after the first Monday in March to continue one week for the trial of civil cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the fifteenth Monday after the first Monday in March to continue one week for the trial of civil cases only; the eighth Monday before the first Monday in September to continue one week for the trial of civil cases only; the third Monday before the first Monday in September to continue one week for the trial of criminal cases only; the first Monday before the first Monday in

September to continue one week for the trial of civil cases only; the first Monday in September to continue two weeks for the trial of criminal cases only; the second Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fifth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the eighth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the tenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the twelfth Monday after the first Monday in September to continue one week for the trial of criminal cases only.

Scotland—The fourth Monday before the first Monday in March to continue one week for the trial of civil cases only; the second Monday after the first Monday in March; the eighth Monday after the first Monday in March to continue one week for the trial of civil cases only; the fourth Monday before the first Monday in September; the fourth Monday after the first Monday in September to continue one week for the trial of civil cases only; the seventh Monday after the first Monday in September to continue one week for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

The judge holding the courts of the Sixteenth Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any other county of the State, without extra compensation, for the weeks beginning the fourth Monday before the first Monday in March and the third Monday before the first Monday in March.

THIRD DIVISION

Seventeenth District

Caswell—The first Monday in March to continue one week for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue one week for the trial of criminal cases only.

In addition to the above terms of court, there shall be held in the County of Caswell the following terms of court: The third Monday after the first Monday in March to continue one week for the trial of criminal cases only; the tenth Monday after the first Monday in September to continue one week for the trial of civil cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

Rockingham—The fifth Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the first Monday after the first Monday in March to continue one week for the trial of criminal cases only; the second Monday after the first Monday in March to continue one week for the trial of civil cases only; the sixth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in March to continue two weeks for the trial of criminal cases

only; the sixth Monday before the first Monday in September to continue two weeks for the trial of criminal cases only; the first Monday in September to continue two weeks for the trial of civil cases only; the sixth Monday after the first Monday in September to continue one week for the trial of civil cases only; the seventh Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the eleventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in September to continue one week for the trial of criminal cases only.

Stokes—The first Monday before the first Monday in March to continue one week for the trial of criminal cases only; the fourth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the fifth Monday after the first Monday in March to continue one week for the trial of civil cases only; the sixteenth Monday after the first Monday in March; the fourth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the fifth Monday after the first Monday in September to continue one week for the trial of civil cases only.

Surry—The eighth Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the third Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday after the first Monday in March; the eighth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the thirteenth Monday after the first Monday in March; the eighth Monday before the first Monday in September to continue two weeks for the trial of civil cases only; the second Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the ninth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

In addition to the above terms of court, there shall be held in the County of Surry the following term of court: The thirteenth Monday after the first Monday in September.

Eighteenth District
Rotation Schedule "A"

The Superior Court of Guilford County shall be composed of two divisions, the Greensboro Division and the High Point Division; and the Superior Court thereof shall be opened and held at the following places and times:

In the Greensboro Division at the county courthouse in Greensboro: The eighth Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the sixth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the first Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the sixth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the tenth Monday after the

first Monday in March to continue two weeks for the trial of criminal cases only; the fourteenth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the eighth Monday before the first Monday in September to continue one week for the trial of criminal cases only; the sixth Monday before the first Monday in September to continue one week for the trial of criminal cases only; the first Monday before the first Monday in September to continue one week for the trial of criminal cases only; the first Monday in September to continue one week for the trial of civil cases only; the first Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the fourth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the fifth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the seventh Monday after the first Monday in September to continue one week for the trial of criminal cases only; the ninth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the tenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the twelfth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the thirteenth Monday after the first Monday in September to continue one week for the trial of criminal cases only.

In the High Point Division at the county building in High Point: The second Monday before the first Monday in March to continue one week for the trial of criminal cases only; the first Monday after the first Monday in March to continue one week for the trial of criminal cases only; the second Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the eighth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the twelfth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the thirteenth Monday after the first Monday in March to continue one week for the trial of civil cases only; the seventh Monday before the first Monday in September to continue one week for the trial of criminal cases only; the third Monday after the first Monday in September to continue one week for the trial of criminal cases only; the eighth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the fourteenth Monday after the first Monday in September to continue one week for the trial of criminal cases only.

Rotation Schedule "B"

In the Greensboro Division at the county courthouse in Greensboro: The eighth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the second Monday before the first Monday in March to continue one week for the trial of civil cases only; the first Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first

Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday after the first Monday in March to continue one week for the trial of criminal cases only; the fourth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the sixth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eighth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the twelfth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the third Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fifth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

In the High Point Division at the county building in High Point: The sixth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the fifth Monday before the first Monday in March to continue one week for the trial of civil cases only; the tenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday in September to continue one week for the trial of civil cases only; the ninth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue one week for the trial of civil cases only.

Any term or week of a term of court above set out to be held in either the Greensboro Division or the High Point Division of the Superior Court of Guilford County may be transferred to, and held in, the other division of the said Superior Court of Guilford County by order of either of the Resident Judges of the Eighteenth Judicial District, or by the judges regularly assigned to hold the courts of the Eighteenth Judicial District, upon publication of notice in a daily newspaper published in Greensboro and a daily newspaper published in High Point ten days prior to the term.

Defendants bound and witnesses recognized to appear at a term of the Superior Court which is ordered transferred and held in the other division, shall make their appearance at the next succeeding criminal term of the Superior Court held in the division to which they were originally bound or recognized. This Statute shall in no wise affect the right provided for change of venue.

Nineteenth District

Cabarrus—The eighth Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the first Monday in March to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in March to continue two weeks

for the trial of civil and criminal cases; the fourteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the second Monday before the first Monday in September to continue one week for the trial of criminal cases only; the first Monday before the first Monday in September to continue one week for the trial of civil cases only; the fifth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

In addition to the above terms of court, there shall be held in the County of Cabarrus the following term of court: The ninth Monday after the first Monday in September to continue two weeks for the trial of civil cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

Montgomery—The sixth Monday before the first Monday in March to continue one week for the trial of criminal cases only; provided, motions on the civil docket may be heard at said term, and uncontested divorce cases and, with the consent of the parties thereto, any other civil case requiring a jury may also be tried at said term; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday after the first Monday in September to continue one week for the trial of civil cases only; the fourth Monday after the first Monday in September.

In addition to the above terms of court, there shall be held in the County of Montgomery the following terms of court: The eighth Monday before the first Monday in September and the eighth Monday after the first Monday in September to continue one week. The Chief Justice shall assign a regular, special or emergency judge to hold the terms of court set forth in this paragraph.

Randolph—The fifth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the fourth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the fifth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the sixteenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the first Monday in September to continue one week for the trial of criminal cases only; the ninth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the twelfth Monday after the first Monday in September to continue one week for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only.

In addition to the above terms of court, there shall be held in the County of Randolph the following term of court: The twelfth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the seventh Monday before the first Monday in September to continue two weeks for the trial of civil cases only. The Chief Justice shall

assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

Rowan—The second Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the second Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the first Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases; the seventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in September for the trial of criminal cases only.

Twentieth District

Anson—The seventh Monday before the first Monday in March to continue one week for the trial of criminal cases only; the first Monday in March to continue one week for the trial of civil cases only; the sixth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the fourteenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the fifteenth Monday after the first Monday in March to continue one week for the trial of civil cases only; the second Monday after the first Monday in September to continue one week for the trial of criminal cases only; the third Monday after the first Monday in September to continue one week for the trial of civil cases only; the eleventh Monday after the first Monday in September to continue one week for the trial of civil cases only.

Moore—The sixth Monday before the first Monday in March to continue one week for the trial of civil cases only; the fifth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the first Monday after the first Monday in March to continue one week for the trial of civil cases only; the eighth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the eleventh Monday after the first Monday in March to continue one week for the trial of civil cases only; the first Monday in September to continue two weeks for the trial of civil cases only; the tenth Monday after the first Monday in September.

In addition to the above terms of court, there shall be held in the County of Moore the following term of court: The fourth Monday before the first Monday in September to continue one week for the trial of criminal cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

Richmond—The eighth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the third Monday before the first Monday in March to continue one week for the trial of civil cases only; the second Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the twelfth Monday after the first Monday in March to continue two weeks

for the trial of civil cases only; the seventh Monday before the first Monday in September to continue one week for the trial of criminal cases only; the sixth Monday before the first Monday in September to continue one week for the tial of civil cases only; the fourth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the fifth Monday after the first Monday in September to continue one week for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

Stanly—The fourth Monday before the first Monday in March to continue one week for the trial of civil cases only; the fourth Monday after the first Monday in March; the tenth Monday after the first Monday in March to continue one week for the trial of civil cases only; the eighth Monday before the first Monday in September; the sixth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the twelfth Monday after the first Monday in September.

Union—The second Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the ninth Monday after the first Monday in March; the first Monday before the first Monday in September; the eighth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

Twenty-first District

Forsyth—The eighth Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the sixth Monday before the first Monday in March to continue three weeks for the trial of civil cases only; the third Monday before the first Monday in March to continue three weeks for the trial of civil cases only; the first Monday in March to continue two weeks for the trial of civil and criminal cases; the second Monday after the first Monday in March to continue three weeks for the trial of civil cases only; the fifth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the seventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the eleventh Monday after the first Monday in March to continue three weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the eighth Monday before the first Monday in September to continue two weeks for the trial of civil cases only; the sixth Monday before the first Monday in September to continue two weeks for the trial of civil and criminal cases; the first Monday in September to continue two weeks for the trial of civil and criminal cases; the second Monday after the first Monday in September to continue three weeks for the trial of civil cases only; the fifth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases; the seventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in September

to continue two weeks for the trial of civil and criminal cases; the eleventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

In addition to the above terms of court, there shall be held in the County of Forsyth the following terms of court: The fourth Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the terms of court set forth in this paragraph.

Twenty-second District

Alexander—The first Monday after the first Monday in March; the sixth Monday after the first Monday in March; the third Monday after the first Monday in September.

Davidson—The fifth Monday before the first Monday in March; the second Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eighth Monday after the first Monday in March; the thirteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the sixteenth Monday after the first Monday in March; the second Monday before the first Monday in September; the first Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fifth Monday after the first Monday in September to continue one week for the trial of civil cases only; the tenth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases; the fourteenth Monday after the first Monday in September to continue one week for the trial of civil cases only.

Davie—The sixth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the first Monday in March to continue one week for the trial of civil cases only; the seventh Monday after the first Monday in March; the fifth Monday before the first Monday in September; the fourth Monday after the first Monday in September to continue one week for the trial of civil cases only; the ninth Monday after the first Monday in September.

Iredell—The fourth Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the second Monday after the first Monday in March to continue one week for the trial of civil cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the first Monday before the first Monday in September to continue two weeks for the trial of civil and criminal cases the first week and for the trial of civil cases only the second week; the sixth Monday after the first Monday in Septem-

ber to continue one week for the trial of civil cases only; the seventh Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases; the twelfth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

The judge holding the courts of the Twenty-second Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any other county of the State, without extra compensation, for the weeks beginning the ninth Monday after the first Monday in March, the tenth Monday after the first Monday in March, the fourth Monday before the first Monday in September, and the third Monday before the first Monday in September.

Twenty-third District

Alleghany—The fifth Monday before the first Monday in March; the seventh Monday after the first Monday in March; the first Monday before the first Monday in September; the fourth Monday after the first Monday in September.

Ashe—The fourth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the twelfth Monday after the first Monday in March to continue one week for the trial of civil cases only; the first Monday after the first Monday in September to continue one week for the trial of civil cases only; the seventh Monday after the first Monday in September to continue one week for the trial of criminal cases only; provided, motions and uncontested civil cases may be heard at either of the terms designated for the trial of criminal cases only.

Wilkes—The seventh Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the second Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the eighth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the fifteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifth Monday before the first Monday in September to continue one week for the trial of civil cases only; the third Monday before the first Monday in September to continue two weeks for the trial of civil and criminal cases; the second Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the eighth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

Yadkin—The eighth Monday before the first Monday in March; the fourth Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the tenth Monday after the first Monday in March; the first Monday in September to continue one week for the trial of criminal cases only; the tenth Monday after the first Mon-

day in September to continue two weeks for the trial of civil cases only; the twelfth Monday after the first Monday in September.

The judge holding the courts of the Twenty-Third Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any other county of the State, without extra compensation, for the weeks beginning the eleventh Monday after the first Monday in March.

FOURTH DIVISION

Twenty-fourth District

Avery—The eighth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the eighth Monday before the first Monday in September to continue two weeks for the trial of civil and criminal cases; the sixth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

Madison—The fourth Monday before the first Monday in March to continue one week for the trial of civil cases only; the first Monday before the first Monday in March; the third Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the twelfth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the sixteenth Monday after the first Monday in March to continue one week for the trial of civil cases only; the sixth Monday before the first Monday in September to continue one week for the trial of criminal cases only; the first Monday before the first Monday in September to continue two weeks for the trial of civil cases only; the fourth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the eighth Monday after the first Monday in September to continue one week for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue one week for the trial of criminal cases only; the fourteenth Monday after the first Monday in September to continue one week for the trial of civil cases only.

Mitchell—The fifth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the first Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

In addition to the above terms of court, there shall be held in the County of Mitchell the following term of court: The fifth Monday before the first Monday in September to continue one week for the trial of civil cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

Watauga—The sixth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the seventh Monday after the first Monday in March to continue one week for the trial of criminal cases only; the fourteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday after the first Monday in September to continue one week for the trial of criminal cases only; the ninth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

Yancey—The fifth Monday before the first Monday in March to continue one week for the trial of civil cases only; the first Monday in March to continue two weeks for the trial of civil and criminal cases; the eleventh Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

In addition to the above terms of court, there shall be held in the County of Yancey the following term of court: The fourth Monday before the first Monday in September. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

The judge holding the courts of the Twenty-fourth Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any other county of the State, without extra compensation, for the weeks beginning the seventh Monday before the first Monday in March, the third Monday before the first Monday in March, and the second Monday before the first Monday in March.

Twenty-fifth District

Burke—The second Monday before the first Monday in March; the first Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the thirteenth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the third Monday before the first Monday in September; the fourth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases; the eleventh Monday after the first Monday in September.

Caldwell—The sixth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the third Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the first Monday before the first Monday in September; the second Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

Catawba—The eighth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the fifth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the fifteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifth Monday before the first Monday in September to continue two weeks for the trial of civil and criminal cases; the first Monday in September to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases; the twelfth Monday

after the first Monday in September to continue one week for the trial of civil cases only.

Twenty-sixth District
Rotation Schedule "A"

Mecklenburg—The eighth Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the sixth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday before the first Monday in March to continue three weeks for the trial of civil cases only; the first Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the third Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the seventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifteenth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the fifth Monday before the first Monday in September to continue two weeks for the trial of criminal cases only; the first Monday before the first Monday in September to continue two weeks for the trial of civil cases only; the first Monday after the first Monday in September to continue one week for the trial of civil cases only; the second Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fourth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the sixth Monday after the first Monday in September to continue one week for the trial of civil cases only; the seventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in September to continue one week for the trial of civil cases only; the tenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the twelfth Monday after the first Monday in September to continue one week for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only.

In addition to the above terms of court, there shall be held in the County of Mecklenburg the following terms of court: The eighth Monday before the first Monday in September to continue two weeks for the trial of criminal cases only; the third Monday before the first Monday in September to continue two weeks for the trial of civil cases only. The Chief Justice shall assign a regular, special or emergency judge to hold these terms of court.

Rotation Schedule "B"

Mecklenburg—The eighth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the sixth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday before the first Monday in March to continue one week for the trial of civil cases only; the third Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the first Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fifteenth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the third Monday before the first Monday in September to continue three weeks for the trial of civil cases only; the first Monday in September to continue two weeks for the trial of criminal cases only; the second Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the fourth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the sixth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the eighth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the tenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the twelfth Monday after the first Monday in September to continue one week for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

Twenty-seventh District

Cleveland—The fifth Monday before the first Monday in March; the third Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eighth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the eighth Monday before the first Monday in September to continue two weeks for the trial of civil and criminal cases; the third Monday after the first Monday in September to continue two weeks for the trial of civil cases only, the seventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the twelfth Monday after the first Monday in September.

Gaston—The fourth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the first Monday before

the first Monday in March to continue two weeks for the trial of criminal cases only; the first Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in March to continue one week for the trial of criminal cases only; the twelfth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the sixth Monday before the first Monday in September to continue one week for the trial of criminal cases only; the second Monday after the first Monday in September to continue one week for the trial of criminal cases only; the fifth Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the tenth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

In addition to the above terms of court, there shall be held in the County of Gaston the following term of court: The fourth Monday before the first Monday in September to continue two weeks for the trial of civil cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the term of court set forth in this paragraph.

Lincoln—The seventh Monday before the first Monday in March; the sixth Monday before the first Monday in March to continue one week for the trial of civil cases only; the tenth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases the first week and for the trial of civil cases only the second week; the first Monday in September; the first Monday after the first Monday in September to continue one week for the trial of civil cases only.

The judge holding the courts of the Twenty-seventh Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any county of the State, without extra compensation, for the weeks beginning the fifteenth Monday after the first Monday in March and the sixteenth Monday after the first Monday in March.

Twenty-eighth District

Buncombe—The eighth Monday before the first Monday in March to continue two weeks for the trial of criminal cases only; the sixth Monday before the first Monday in March to continue three weeks for the trial of civil cases only; the third Monday before the first Monday in March to continue one week for the trial of criminal cases only; the first Monday before the first Monday in March to continue three weeks for the trial of civil cases only; the second Monday after the first Monday in March to continue one week for the trial of criminal cases only; the third Monday after the first Monday in March to continue three weeks for the trial of civil cases only; the sixth Monday after the first Monday in March to continue two weeks for the trial of criminal cases only; the eighth Monday after the first Monday in March to continue three weeks for the

trial of civil cases only; the eleventh Monday after the first Monday in March to continue one week for the trial of criminal cases only; the thirteenth Monday after the first Monday in March to continue three weeks for the trial of civil cases only; the fifth Monday before the first Monday in September to continue three weeks for the trial of civil cases only; the second Monday before the first Monday in September to continue one week for the trial of criminal cases only; the first Monday before the first Monday in September to continue three weeks for the trial of civil cases only; the second Monday after the first Monday in September to continue one week for the trial of criminal cases only; the third Monday after the first Monday in September to continue three weeks for the trial of civil cases only; the sixth Monday after the first Monday in September to continue two weeks for the trial of criminal cases only; the eighth Monday after the first Monday in September to continue three weeks for the trial of civil cases only; the eleventh Monday after the first Monday in September to continue one week for the trial of civil cases only; the twelfth Monday after the first Monday in September to continue three weeks for the trial of civil cases only.

In addition to the above terms of court, there shall be held in the County of Buncombe the following terms of court: The seventh Monday before the first Monday in March to continue one week for the trial of civil cases only; the third Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the second Monday after the first Monday in March to continue one week for the trial of civil cases only; the seventh Monday after the first Monday in March to continue one week for the trial of civil cases only; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eighth Monday before the first Monday in September to continue two weeks for the trial of criminal cases only; the sixth Monday before the first Monday in September to continue one week for the trial of civil cases only; the second Monday before the first Monday in September to continue one week for the trial of civil cases only; the second Monday after the first Monday in September to continue one week for the trial of civil cases only; the seventh Monday after the first Monday in September to continue one week for the trial of civil cases only; the eleventh Monday after the first Monday in September to continue two weeks for the trial of criminal cases only. The Chief Justice shall assign a regular, special or emergency judge to hold the terms of the court set forth in this paragraph.

Twenty-ninth District

Henderson—The third Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the second Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the ninth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the twelfth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the sixth Monday after the first Monday in September;

the eleventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

McDowell—The eighth Monday before the first Monday in March to continue one week for the trial of criminal cases only; the first Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the sixth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the fourteenth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the first Monday in September to continue two weeks for the trial of civil and criminal cases; the fourth Monday after the first Monday in September to continue two weeks for the trial of civil cases only.

Polk—The fifth Monday before the first Monday in March; the sixteenth Monday after the first Monday in March; the first Monday before the first Monday in September.

Rutherford—The seventh Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases, with priority given to civil cases; the first Monday after the first Monday in March to continue one week for the trial of civil and criminal cases, with priority given to all civil cases; the seventh Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases, with priority given to civil cases; the tenth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases, with priority given to criminal cases; the second Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases, with priority given to civil cases; the ninth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases, with priority given to criminal cases: Provided, that a grand jury will not be convened for the terms of court in which priority is given to the trial of civil cases, unless ordered by the Resident Judge or a judge holding the courts for the judicial district, to the Clerk of the Superior Court of Rutherford County, at least ten days before the convening of said court.

Transylvania—The fourth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the eighth Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the seventh Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

The judge holding the courts of the Twenty-ninth Judicial District shall be subject to assignment by the Chief Justice to hold any regular, conflict or special terms of court in any other county of the State, without extra compensation, for the week beginning the second Monday before the first Monday in September.

Thirtieth District

Cherokee—The fourth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the sixteenth

Monday after the first Monday in March to continue one week for the trial of civil cases only; the sixth Monday before the first Monday in September; the ninth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

Clay—The eighth Monday after the first Monday in March; the fourth Monday after the first Monday in September.

Graham—The second Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the thirteenth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the first Monday in September to continue two weeks for the trial of civil and criminal cases.

Haywood—The eighth Monday before the first Monday in March to continue two weeks for the trial of civil cases only; the fourth Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the ninth Monday after the first Monday in March to continue two weeks for the trial of civil cases only; the eighth Monday before the first Monday in September; the second Monday after the first Monday in September to continue two weeks for the trial of civil cases only; the eleventh Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

Jackson—The second Monday before the first Monday in March to continue two weeks for the trial of civil and criminal cases; the eleventh Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the fifteenth Monday after the first Monday in March to continue one week for the trial of civil cases only; the fifth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

Macon—The sixth Monday after the first Monday in March to continue two weeks for the trial of civil and criminal cases; the fifth Monday before the first Monday in September; the thirteenth Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

Swain—The first Monday in March to continue two weeks for the trial of civil and criminal cases; the seventh Monday before the first Monday in September; the seventh Monday after the first Monday in September to continue two weeks for the trial of civil and criminal cases.

Sec. 2. The specific provisions of this Act relating to the assignment of regular Resident Judges to hold court in any county of the State during the weeks specified shall in no way limit the authority of the Chief Justice to assign regular, special and emergency judges to hold any court in any county in the State.

Sec. 3. All laws and clauses of laws respecting the time of the terms of Superior Court in the several counties of the State, including any Act heretofore enacted at this Session of the General Assembly, in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1955.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

S. B. 444 **CHAPTER 1374**

AN ACT TO FIX THE SALARY OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

The General Assembly of North Carolina do enact:

Section 1. From and after the time the State Superintendent of Public Instruction shall take the oath of office and begin serving the term for which he is to be elected in 1956, he shall receive an annual salary of thirteen thousand five hundred dollars ($13,500.00): Provided, that said salary shall be paid out of the Contingency and Emergency Fund if funds for same are not available in the General Fund for the biennium ending June 30, 1957.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1320 **CHAPTER 1375**

AN ACT TO PROVIDE FOR THE LICENSING OF DISTRESS SALES TO PREVENT FRAUDULENT AND SHAM SALES.

The General Assembly of North Carolina do enact:

Section 1. This Act shall hereafter be known as the "Distress Merchandise Sales Act."

Sec. 2. The following terms shall have the following meanings unless the context clearly indicates a different meaning:

(1) "Distress Merchandise Sale" shall mean any offer to sell to the public, or sale to the public, of goods, wares or merchandise on the implied or direct representation that such sale is in anticipation of the termination of a business at its present location or that the sale is being held as a business emergency other than in the ordinary course of business. Without limiting the generality of the above, distress merchandise sales shall include any sale represented specifically or impliedly as a "going out of business", "creditor's", "trustee's", "liquidating", "closing out", "bankrupt", "insolvent", "mortgage", "fire", "smoke or water damage", "adjuster's", "insurance salvage", "salvage", "lost lease", "removal", "vacating", "forced", or "save us from bankruptcy" sale. However, "distress merchandise sale" shall not include any offer to sell or sale of goods, wares, and merchandise at a price reduction or concession when made in the ordinary course of business operations.

(2) "Natural-hazard distress merchandise sales" shall mean those occurring as a result of a natural hazard such as fire or windstorm or other natural forces which the applicant has experienced, or as a result of damage such as by water or smoke suffered by the applicant as a consequence of such natural hazards.

(3) "Inventory-required distress merchandise sales" shall mean all

other distress merchandise sales except natural-hazard distress merchandise sales.

(4) "Person" shall mean any individual, partnership, association, firm or corporation.

(5) "Represented" or "representation" shall include any means used for conveying notice to the public, including but not limited to oral, written or pictorial announcements whether by tag, sign, newspaper, radio or television, handbill, letter, poster or otherwise.

Sec. 3. The provisions of this Act shall not apply to sales in bulk not exceeding one day's duration, to sales conducted by public officers in the discharge of their official duties, or to sales under judicial process. However, in any day-to-day sale under judicial process, the court of competent jurisdiction may in its discretion require a showing that no part of the goods, wares or merchandise to be sold were acquired for the purpose of using such sale as a sham device to dispose thereof.

Sec. 4. No person shall represent or conduct a distress merchandise sale without first having obtained a license to do so in accordance with the provisions hereof from the clerk of court of the county where the sale is to be held.

Sec. 5. Any person desiring to conduct a natural-hazard distress merchandise sale shall make a sworn, written application to the licensing official at least two days prior to the date on which said sale is to commence. Each application shall contain the following information, together with such other information as the licensing official may reasonably require to effectuate the purposes of this Act:

(1) The name and address of the owner of the goods, wares or merchandise to be included in the sale.

(2) A description of the place where the sale is to be held.

(3) The nature of the occupancy of the place where such sale is to be held, whether by lease or otherwise, and the effective date of termination of such occupancy.

(4) A full and complete statement of the facts regarding the distress merchandise sale, including the reason why such sale is being conducted, the commencement and termination date of such sale, the manner in which such sale will be conducted, the means to be employed in advertising such sale, and the content of proposed representations to the public about the nature of the sale.

Sec. 6. Any person desiring to conduct an inventory-required distress merchandise sale shall make a sworn, written application to the licensing official at least twenty (20) days prior to the date on which said sale is to commence, which application shall contain:

(1) The information required in the foregoing Section for natural hazard distress merchandise sales.

(2) A complete and detailed inventory of the goods, wares and merchandise to be sold at such sale, including any purchases which have been or will be ordered, with a legible orderly listing of each item (or lots of identical items) setting forth: (a) A description sufficient to permit ready identification; (b) the date, and from whom acquired; (c) the cost price of

each item (or lots of identical items), and its retail value as shown by the price at which it was last sold or bona fide offered for sale by the applicant, and the total cost and total retail value; (d) whether any items are or have been acquired with cancellation privileges, on consignment, or for less than adequate consideration; (e) any abnormal or unusual purchases or additions to stock listed thereon or made within the preceding year; (f) and the average cost price of the inventory, computed at the end of each quarter, carried by the applicant during the preceding two years, or any shorter period he has been in business.

Sec. 7. No license shall be issued for an inventory-required distress merchandise sale unless there is filed with the licensing official a bond in an amount equal to ten per cent (10%) of the inventory retail value of all the goods, wares and merchandise to be offered at the sale with sureties thereon approved as to sufficiency by the licensing official. Said bond shall be conditioned upon the faithful performance of all the conditions of this Statute, and shall also indemnify any purchaser who suffers any loss by reason of any misrepresentation made in connection with a sale licensed hereunder, and shall continue in effect until the expiration of one year after the last day of the sale or renewal thereof.

Sec. 8. Following receipt of the application, the licensing official shall cause an investigation to be made of all facts contained therein. No license shall be issued if he finds:

(1) That any material matter in said application is not true, or any representation proposed to be used in connection with said sale is misleading;

(2) That within five years prior to this application the applicant has been convicted of a violation of this Statute or has had revoked a license issued to him hereunder;

(3) That any required inventory contains goods, wares or merchandise previously included in any person's application for a license hereunder within eighteen (18) months prior to this application.

(4) That any required inventory contains goods, wares, or merchandise purchased by the applicant with cancellation privileges, on consignment, or for less than adequate consideration;

(5) That the inventory contains any goods, wares or merchandise purchases by the applicant or additions to his stock made for the purpose of using such sale as a sham device to dispose thereof. It shall be evidence of a sham purpose if it shall appear: (a) That in contemplation of such sale abnormal or unusual purchases or additions to applicant's stock have or will be made; (b) that the cost of the application inventory substantially exceeds the amount of the average inventory previously carried by the applicant; (c) that the applicant has not for one year prior to the application been continuously engaged in the business of selling the type of goods, wares and merchandise described in the application at the location described therein. Abnormal or unusual purchases or additions to applicant's stock made after ninety (90) days preceding the application shall be presumed to have been made in contemplation of the sale.

Sec. 9. When it appears to the licensing official that all statements in

the application are true and that the proposed sale is of the character stated therein, that the application is in full compliance with the terms and conditions of this Act, and that the required application fee has been paid and any required bond filed, the licensing official shall issue a license to the applicant authorizing said applicant to represent and conduct the sale as described in the application, subject to the following conditions:

(1) The sale shall be held at the place named in the application and by the particular licensee for a period of not more than thirty (30) consecutive calendar days next following the effective date of said license.

(2) Upon commencement of said sale and for its duration, the license issued hereunder shall be prominently displayed inside the place of sale by the licensee.

(3) At an inventory-required sale, goods or wares or merchandise not described in the inventory attached to the application shall not be sold, offered for sale, displayed or commingled with inventoried merchandise.

(4) During an inventory-required sale, the licensee shall keep at the sale location suitable records which will show the sales and the balance remaining unsold of the originally inventoried merchandise. Said records and unsold merchandise shall be open for inspection by the licensing official or his duly authorized representatives.

Sec. 10. The licensing official shall revoke any license hereunder, after notice to the licensee delivered to the sale location of the time and place of hearing, when he has held a hearing and has found that the licensee has violated any condition of his license, has made a material misstatement in his application, or has made a misleading representation about the sale or merchandise to the public.

Sec. 11. If the licensee has not sold all the merchandise concerning which he originally obtained a sale license, upon his sworn renewal application the licensing official shall consider renewal of the original license for a second consecutive period of thirty (30) days. The licensing official shall issue such renewal if he finds the renewal application in all respects meets the requirements for the original license, including for inventory-required sales a revised inventory showing items remaining unsold. Upon like application, conditions and findings, the licensing official shall issue a second renewal for a third consecutive period of thirty (30) days, but shall not issue any further renewal.

Sec. 12. With an application hereunder the applicant shall pay a fee in the sum of twenty-five dollars ($25.00), but for inventory-required sales said sum of one-quarter of one per cent (¼ of 1%) of the inventory retail value of the goods, wares and merchandise, whichever is greater. The application fee shall include the fee for the license if issued, but no portion of the application fee shall be returnable if the license is not issued. The licensing official may expend such portion of application fees received by him as he shall deem necessary in obtaining any audit or investigation required in order to carry out his duties hereunder. The fee for renewal applications shall be fifteen dollars ($15.00).

Sec. 13. It shall be unlawful for any person to represent or conduct a sale as a distress merchandise sale without a license hereunder, to make

a material misstatement in application for a license or to violate any condition of the license issued hereunder, to make a misleading representation to the public regarding the sale or the merchandise to be sold, to continue after the conclusion of a licensed sale substantially the same business under the same or a different name if such is contrary to the designation given the licensed sale in the application therefor, or to otherwise violate the provisions of this Act. Upon conviction, such person shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), or be imprisoned not more than thirty (30) days, or both. Each day's violation shall constitute a separate offense.

Sec. 14. This Act shall apply to Mecklenburg County only.

Sec. 15. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 16. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. B. 1403 CHAPTER 1376

AN ACT TO PREVENT THE TAKING OF DEER ON THE ROANOKE RIVER WITH THE AID OF BOATS.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person or persons to take or kill any deer in or within one hundred (100) yards of the Roanoke River which lies between U. S. 17 Highway Bridge at Williamston and U. S. 301 Highway Bridge at Weldon, with the aid of any boat or other floating device.

Subsection 1(a). This Act will not prohibit the transportation of hunters or their legally taken game up or down the Roanoke River.

Sec. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) and not more than one hundred dollars ($100.00) or imprisoned for not less than thirty (30) nor more than sixty (60) days.

Sec. 3. The North Carolina Wildlife Resources Commission shall have jurisdiction to enforce the provisions of this Act.

Sec. 4. The provisions of this Act shall not apply to any land in Halifax County beginning at the water edge on the southern side of the Roanoke River.

Sec. 4½. The provisions of this Act shall not apply to any land on Roanoke River where it passes through or by Washington County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

RESOLUTIONS

S. R. 1 RESOLUTION 1

A JOINT RESOLUTION INFORMING HIS EXCELLENCY, THE GOVERNOR, THAT THE GENERAL ASSEMBLY IS READY TO PROCEED WITH PUBLIC BUSINESS.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That a committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to notify His Excellency, the Governor, that the General Assembly is organized and now ready to proceed with public business and invite him to deliver any message that he may have in person or in writing.

Sec. 2. That this Resolution shall be in force on and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of January, 1955.

S. R. 2 RESOLUTION 2

A JOINT RESOLUTION INVITING HIS EXCELLENCY, THE GOVERNOR, TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT ELEVEN-THIRTY O'CLOCK, A.M., JANUARY SIXTH, ONE THOUSAND NINE HUNDRED AND FIFTY-FIVE.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That His Excellency, the Governor, be, and he is hereby, invited to address a Joint Session of the General Assembly at eleven-thirty o'clock A.M., January 6, 1955.

Sec. 2. That a committee of three from the Senate be appointed by the President and five from the House of Representatives be appointed by the Speaker to extend this invitation.

Sec. 3. That this Resolution shall be in full force and effect upon its passage.

In the General Assembly read three times and ratified, this the 7th day of January, 1955.

H. R. 1 RESOLUTION 3

A JOINT RESOLUTION OF RESPECT TO THE MEMORY OF THE HONORABLE ROBERT LEE DOUGHTON, FORMER MEMBER OF THE STATE SENATE AND THE CONGRESS OF THE UNITED STATES.

WHEREAS, the passing of Robert Lee Doughton has occurred since the last session of the General Assembly, and the entire membership of

the 1955 session of the General Assembly deems it fitting and proper to pause and pay tribute to the life, ability, and services of this great North Carolinian, and call to mind some of his activities and public service; and

WHEREAS, Robert Lee Doughton was born at Laurel Springs, North Carolina, on November 7, 1863, receiving his education in the public schools of Laurel Springs and Sparta, North Carolina; and

WHEREAS, Robert Lee Doughton was appointed as a member of the Board of Agriculture of the State of North Carolina in 1903, serving with distinction until he was elected to the State Senate from the Thirty-fifth District in 1908, after which time he devoted his energy and talents as Director of the State Prison from 1909 to 1911; and

WHEREAS, Robert Lee Doughton was elected from the Ninth District to serve in the Sixty-second session of Congress and was re-elected for succeeding terms by large majorities with the results being that he served his District, State and Nation from the Sixty-second to the Eighty-second sessions of Congress, both inclusive, in a manner unexcelled by any other public servant; and

WHEREAS, while serving as a member of Congress, he was nominated chairman of the Committee on Ways and Means during the Seventy-third to the Seventy-ninth sessions of Congress, both inclusive, being reinstated to that most important post during the Eighty-first Congress, a position which he held longer than any other man in the history of the government, still finding time, however, to serve as alternating chairman of the Joint Congressional Committee on Internal Revenue Taxation; and

WHEREAS, Robert Lee Doughton rendered distinguished service to the public life of the State and Nation through his fine, well-balanced personality, his ability to study public problems without regard to the pressures of interested groups and reach a solution in the best interest of the entire State and Nation, always with the highest degree of intellectual honesty; and

WHEREAS, Robert Lee Doughton has served as a leader in the moral, religious, and civic life of the State, always conducting himself by the Book of his chosen church; making his citizenship a thing of fine obligation, following no guide but integrity into the political forum; and

WHEREAS, the General Assembly of North Carolina wishes to make record of his life and accomplishments and to pay tribute to this beloved citizen:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of the Honorable Robert Lee Doughton, not only the General Assembly of this State, but all the citizens of the country have experienced a great loss and profound grief at the termination of the life of this distinguished North Carolinian.

Sec. 2. That the General Assembly of North Carolina does on behalf of itself and the people of the entire State express its highest appreciation of Robert Lee Doughton as a citizen and public servant and recognizes the many services which he has performed and the devotion of his life to public

good, and extends its sympathy to his family and loved ones upon his passing.

Sec. 3. A copy of this Resolution, duly certified, shall be furnished to the family of Honorable Robert Lee Doughton.

Sec. 4. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 7th day of January, 1955.

H. R. 19 RESOLUTION 4

A JOINT RESOLUTION HONORING THE MEMORY OF CLYDE R. HOEY, FORMER UNITED STATES SENATOR AND GOVERNOR OF NORTH CAROLINA.

WHEREAS, Clyde R. Hoey, while actively and faithfully acting as Senior Senator from North Carolina in the Senate of the United States, passed away on May 12, 1954, thus suddenly and unexpectedly ending his distinguished career and service to the people of this State and to the Nation, and

WHEREAS, Clyde R. Hoey, while rendering this illustrious service to the people of North Carolina as Governor of this State and as a United States Senator, attained the loftiest heights of Christian statesmanship and was esteemed throughout the Nation for the splendid way in which he performed all the duties imposed upon him as a United States Senator, and

WHEREAS, Clyde R. Hoey had established an imperishable record in the State and Nation as Senator, Governor, lawyer, churchman and citizen which will endure as an inspiration to this and succeeding generations:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina does by this joint Resolution of the House of Representatives and the Senate express its appreciation and admiration of the life and career of Clyde R. Hoey as Governor of North Carolina, as United States Senator, as a Christian statesman, lawyer and outstanding citizen of this State, and does by this Resolution declare that his record of service to North Carolina is entitled to imperishable fame and that he will always be remembered and beloved by the people of this State.

Sec. 2. That this Resolution shall be certified by the Secretary of State under the seal of his office and a certified copy furnished to Clyde R. Hoey, Jr., Charles Hoey, and Mrs. Dan Paul, the sons and daughter of this distinguished North Carolinian.

Sec. 3. That this Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 14th day of January, 1955.

S. R. 17 RESOLUTION 5

A JOINT RESOLUTION TO AUTHORIZE AND PROVIDE FOR THE PRINTING OF THE GOVERNOR'S BUDGET AND BIENNIAL MESSAGE TO THE GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That 3,000 copies of the budget and biennial message of His Excellency, Luther H. Hodges, Governor of North Carolina, be forthwith printed and delivered at the Governor's Office for such distribution of the same as he may desire to make.

Sec. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of January, 1955.

S. R. 12 RESOLUTION 6

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION FOR THE PURPOSE OF HONORING THE MEMORY OF THE LATE GOVERNOR WILLIAM BRADLEY UMSTEAD.

WHEREAS, William Bradley Umstead, on the 7th of November, 1954, passed away in Watts Hospital in Durham, North Carolina, thus suddenly and unexpectedly ending his illustrious career as Governor of North Carolina:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the members of the Senate and the House of Representatives convene in joint Session in the City of Raleigh, on a day to be fixed by a committee of the Senate and the House of Representatives, for the purpose of honoring the memory of the late William Bradley Umstead.

Sec. 2. That a committee of three on the part of the Senate and five on the part of the House of Representatives be appointed to arrange the details of this joint Session and to extend an invitation to the members of the late Governor Umstead's family, the Governor, State officials, and others to attend said joint Session.

Sec. 3. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 14th day of January, 1955.

S. R. 36 RESOLUTION 7

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CAMERON MORRISON, WHO SERVED HIS STATE WITH HONOR, DEVOTION AND DISTINCTION.

WHEREAS, the General Assembly of North Carolina, Session of 1955 desires to commemorate the services of Cameron Morrison to the State

of North Carolina and to express its sorrow for the loss sustained by the State upon his death which was subsequent to the adjournment of the 1953 Session of the General Assembly, and

WHEREAS, Cameron Morrison was born on October 5, 1869 in Richmond County, North Carolina where, after educating himself, he became first a school teacher and later the Clerk of the Superior Court there, and

WHEREAS, while still a young man he was admitted to the Bar after studying law in Greensboro, and upon his return to his native county was elected Mayor of Rockingham and Chairman of the first Democratic Executive Committee there, before being elected State Senator from his district in 1901, and

WHEREAS, after serving as a Presidential Elector in 1916, the people of the State of North Carolina bestowed upon him the office of Governor in 1921, and

WHEREAS, after serving as Governor with distinction, he was appointed to the United States Senate in 1930 where he served until 1933, and in 1943 he again returned to the Congress of the United States to represent the State as a member of the House of Representatives, and

WHEREAS, from 1916 until his untimely death in Quebec, Canada, on August 20, 1953, he attended every Democratic National Convention and had the distinction of serving as a delegate from North Carolina from 1924 to 1952 when he served also as Chairman of the North Carolina Delegation, and

WHEREAS, Cameron Morrison was known, loved and respected by the people of the State of North Carolina and of the Nation for his sincere, honest, upright and unaffected advocation of the causes which he believed to be for the best interest and welfare of the State of North Carolina and for the Nation, which he loved and which he ably served with great distinction:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The members of the General Assembly of North Carolina, Session of 1955, unite in expressing for the State of North Carolina and for the Nation their sorrow for the irreparable loss sustained by the death of the Honorable Cameron Morrison who distinguished himself as a leader both in the State and in the Nation.

Sec. 2. As a token of respect to and esteem for the honored and beloved memory of Cameron Morrison, the General Assembly, Session of 1955, hereby extends its deep and sincere sympathy to the members of the family of Cameron Morrison and expresses to them its grateful thanks for the many benefits derived by the State of North Carolina from the distinguished services rendered to it by Cameron Morrison during his lifetime.

Sec. 3. This Resolution shall be incorporated in the permanent records of this General Assembly as a tribute and expression of respect to the memory of Cameron Morrison and that a copy be furnished to the members of his immediate family.

Sec. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of January, 1955.

H. R. 88 RESOLUTION 8

A JOINT RESOLUTION HONORING THE LIFE, MEMORY AND ACHIEVEMENTS OF HOMER GAUSE AVANT, SR., A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, AND EXPRESSING SYMPATHY BECAUSE OF HIS DEATH.

WHEREAS, the Honorable Homer Gause Avant, Sr. died on November 21, 1954, at the age of seventy, ending a long life of distinguished service to his county and State, it is fitting and proper that the General Assembly of North Carolina should pause and take notice of the death and outstanding achievements in the life of this former member; and

WHEREAS, Homer Gause Avant, Sr. was born in Cool Springs, South Carolina, October 29, 1884, and in 1896, while he was a boy, his family moved to Cerro Gordo in Columbus County, North Carolina, where, a few years later he became engaged in the automobile business; in 1924 he moved to Whiteville in Columbus County, continuing in the automobile business and at the time of his death was President of Avant and Sholar, Inc., local Chevrolet dealers, and was also agent for the Sinclair Refining Company until his death; and

WHEREAS, Homer Gause Avant, Sr. was a citizen who gave freely of his time and efforts in religious, civic and political affairs, was an active member and former deacon of the First Baptist Church of Whiteville, was a longtime member of the Whiteville Rotary Club, was for 12 years a member of the Board of Trustees of Columbus County Hospital serving as Chairman of the Board for several years, was a Scottish Rite Mason and member of the Eastern Star, was a member of the Board of County Commissioners for five terms having been elected in 1928, 1932, 1934, 1936 and 1938, and served as Chairman of that Board for two terms, was a member of the House of Representatives for three terms in the Sessions of 1943, 1947 and 1951; and

WHEREAS, his passing represents a keen loss to his community and to the State of an untiring public servant:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Homer Gause Avant, Sr. the State of North Carolina has lost a distinguished and devoted public servant and the General Assembly of North Carolina pauses and gives honor to his character and achievements with pride, he being a former member of this body, and pays homage to a man who lived a useful life devoted to his family, his Church, his county and his State.

Sec. 2. A copy of this Resolution shall be placed upon the minutes of the House of Representatives showing the honor and respect paid to Homer

Gause Avant, Sr. and a copy of the same shall be sent to his widow and other surviving members of his family.

Sec. 3. At the end of the Session on January 27th, when the General Assembly recesses, it recesses in memory of Homer Gause Avant, Sr.

Sec. 4. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified this the 3rd day of February, 1955.

H. R. 153 RESOLUTION 9

A JOINT RESOLUTION PETITIONING THE PRESIDENT OF THE UNITED STATES, THE TREASURY DEPARTMENT, THE CONGRESS OF THE UNITED STATES, AND OTHER APPROPRIATE FEDERAL OFFICIALS, NOT TO IMPOSE A TARIFF OR IMPORT DUTY UPON POTASH, ESSENTIAL FOR THE GROWING OF TOBACCO, NORTH CAROLINA'S BIGGEST CASH CROP.

WHEREAS, a relatively small amount of foreign potash is shipped into this country at the Atlantic ports, which forms an essential part of the fertilizers manufactured for the production of the tobacco crop of North Carolina and other Atlantic seaboard states, and

WHEREAS, such potash, like all other fertilizer materials, has been heretofore duty free, and

WHEREAS, it is now understood that the Treasury Department of the United States has decided to impose or is considering imposing a duty on potash shipped into this country from foreign countries, principally from Germany, in order to protect the domestic potash industry, which production is entirely in the western part of the United States, and

WHEREAS, freight on potash produced in the western part of the United States to the east coast is greatly in excess of the freight on foreign potash shipped to the Atlantic seaboard, and such difference in freight rates would make the cost of potash, purchased to be used for fertilizers on the seaboard, almost prohibitive, and

WHEREAS, if such tariff policy is adopted by the Federal Government, the cost of fertilizers to the farmers of North Carolina will be substantially increased and the western producers of potash given monopolistic control of this product, to the disadvantage of the farmers of the eastern seaboard:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The President of the United States of America, the Treasury Department, the Congress, and all other Federal officials having responsibilities in connection with the imposition of tariffs and duties on fertilizers and fertilizer materials shipped into this country, including potash, are hereby urged and requested to continue the policy heretofore enforced in this country of admitting, free of duty, fertilizer materials, including potash, which are produced in foreign countries, and that said officials be urged to refrain from imposing any import duties on potash, the result of which

would give western producers of the United States monopolistic control of such materials and greatly increase the cost to the farmers of the eastern seaboard of fertilizers containing such materials, including potash.

Sec. 2. Copies of this Resolution shall be certified by the Secretary of State and sent as promptly as possible to the President of the United States, the Secretary of the Treasury of the United States, and to the United States Senators from North Carolina, and members of the House of Representatives from North Carolina.

Sec. 3. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of February, 1955.

S. R. 127 RESOLUTION 10

A JOINT RESOLUTION PROTESTING THE TOLL CHARGES PROPOSED FOR THE BLUE RIDGE PARKWAY.

WHEREAS, the construction of a scenic highway from the Shenandoah National Park in Virginia to the Great Smoky Mountains National Park in North Carolina and Tennessee along the Appalachian Mountains was first proposed by the Federal Government in 1933 as a part of its Public Works Program; and

WHEREAS, representatives of North Carolina attending a conference called by the interested Federal agencies to examine the feasibility of this project and to discuss the terms and conditions under which the states affected would participate therein expressed strong opposition when the idea of a toll road was advanced and pointed out that North Carolina could not invest public funds in a toll road because such an investment would be contrary to expressed public policy; whereupon, because of the position of North Carolina and because of the opposition of other states and some of the interested Federal agencies, it was decided that this scenic highway would be constructed and maintained as a free public road; and

WHEREAS, thereafter an agreement was entered into between the Federal Government and the State of North Carolina which, among other things, provided that North Carolina would secure and convey to the Federal Government the fee simple title to such rights-of-way as should be required by the Federal Government for the construction of said scenic highway and to do all surveying necessary in connection with the location thereof while the Federal Government on its part would design, construct and maintain said highway; and

WHEREAS, pursuant to this agreement and in reliance thereon the State of North Carolina, through its Highway Department, began in 1934 with public funds to survey and acquire title to the right-of-way, to convey it to the Federal Government as required and otherwise fulfill its part of the agreement in connection with the construction of this highway; that the State of North Carolina in the performance of its part of this agreement has spent a sum in excess of two million three hundred and fifty thousand dollars ($2,350,000.00) on this project to date and will before it is

finally completed spend in excess of three million dollars ($3,000,000.00); and

WHEREAS, the Director of the National Park Service, an official of the Department of Interior of the Federal Government, has announced that effective May 1, 1955, certain toll charges will be placed upon the use of parts of the Blue Ridge Parkway that have been completed, some of which are located in North Carolina;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina protests the placing of toll charges of any kind on the use of the Blue Ridge Parkway and requests the Director of the National Park Service to reconsider the imposition of the proposed schedule of toll charges

(1) For that: A toll charge was considered in the negotiations concerning the agreement under which said Parkway was constructed and was not included in the agreement partly at least because the announced public policy of North Carolina would have prevented its participation in this project with public funds.

(2) For that: Relying upon the fact that the charging of tolls had been considered and eliminated, North Carolina invested public funds in this project in the full belief that it was making an investment in a free public highway restricted only as to certain uses necessary to the maintenance of the scenic character of this highway.

(3) For that: Further in relying upon these negotiations and the fact that the eventual agreement contained no provisions for a toll charge representations were made to the property owners whose lands had to be appropriated for this use to provide right-of-way for this highway and were also made to other citizens and residents in the area immediately adjacent to this highway that except for the restrictions necessary to maintain the highway as a scenic parkway, it could be freely used by the public in the same manner as any other highway of North Carolina.

(4) For that: The charging of tolls for the use of the Blue Ridge Parkway would be a violation of the agreement entered into between the State of North Carolina and the Federal Government for the construction of this highway, an act of bad faith on the part of the Federal Government, and an abuse of the confidence with which the people of North Carolina endorsed and supported this project.

Sec. 2. That certified copies of this Resolution be mailed to the North Carolina delegation in the Congress of the United States and a certified copy placed before the Director of the National Park Service and a certified copy placed before the Secretary of the Interior, and the President of the United States.

Sec. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1955.

S. R. 125 **RESOLUTION 11**

A JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PASS H. R. 3322 AS AN AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.

WHEREAS, there is now pending in the Congress of the United States a bill designated as H. R. 3322, introduced by Representative John W. McCormack of Massachusetts amending the Federal Property and Administrative Services Act of 1949 (40 USC Section 484); and

WHEREAS, the purposes of said bill are: (a) The clarification of the intent of Congress as expressed in the Act of 1949 to make the stock fund of surplus property available to health and educational institutions; (b) The clarification of Federal and State functions with respect to the surplus property program by authorizing all Federal agencies to enter into cooperative agreements with State agencies which will allow State agencies to participate more fully in the surplus property program of the Federal government; (c) The authorization of purchasers of such surplus property to dispose of the same within one year; and

WHEREAS, the passage of the proposed bill will greatly aid the schools and hospitals of North Carolina in obtaining at reasonable prices property that has been declared surplus by the Department of Defense and various other departments of the Federal government, and will allow the sale of additional types of surplus property to various State agencies;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina hereby earnestly requests the Congress of the United States to immediately pass and enact into law H. R. 3322, and requests each member of the North Carolina delegation in Congress to vote for the passage of said bill.

Sec. 2. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 17th day of February, 1955.

S. R. 135 **RESOLUTION 12**

A JOINT RESOLUTION GIVING LEGISLATIVE APPROVAL TO THE ADMISSION OF THE STATES OF DELAWARE AND WEST VIRGINIA INTO THE SOUTHERN REGIONAL EDUCATION COMPACT ENTERED INTO BY THE STATE OF NORTH CAROLINA AND OTHER SOUTHERN STATES: TO DECLARE THAT, UPON RATIFICATION OF THE COMPACT BY THE LEGISLATURE AND APPROVAL BY THE GOVERNOR OF DELAWARE AND/OR WEST VIRGINIA, AND APPROVAL BY THE LEGISLATURE AND BY THE GOVERNOR OF THE OTHER STATES PARTY TO THE COMPACT, THE STATES OF DELAWARE AND/OR WEST VIRGINIA BECOME PARTY TO SAID COMPACT.

WHEREAS, by action of the Legislature and approval of the Governor, the State of North Carolina became party to the Southern Regional Education Compact with the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas and Virginia on March 17, 1949;

WHEREAS, the States of Delaware and West Virginia have indicated their interest in becoming party to the said Compact;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the admission of the States of Delaware and West Virginia be approved and that the States of Delaware and/or West Virginia become party to the Compact upon approval of their respective Legislatures and their respective Governors and upon approval of their admission by the other States party to the Compact.

Sec. 2. That upon approval of this Resolution the Governor sign an engrossed copy of this Resolution for submission to the Southern Regional Education Board.

Sec. 3. This Resolution shall take effect upon its approval by the Governor.

In the General Assembly read three times and ratified, this the 22nd day of February, 1955.

H. R. 367 **RESOLUTION 13**

A JOINT RESOLUTION EXPRESSING SYMPATHY IN THE DEATH OF AND APPRECIATION OF THE LIFE AND SERVICE OF THEODORE STOCKTON MEEKINS.

WHEREAS, the General Assembly of North Carolina desires to give some recognition of the passing of one of its former members, Theodore Stockton Meekins, of Dare County, who died on the 11th day of February, 1954, and the General Assembly of 1955 desires to commemorate his services to his county and State and to give a proper expression of sorrow in his passing; and

WHEREAS, Theodore Stockton Meekins was born in Rodanthe, North

Carolina, on the 21st day of May, 1870. He was a surfman from 1890-1898 in the United States Lifesaving Service. From 1896-1898, he served as a Justice of the Peace. He moved to Manteo and went into business in 1898 with the late Richard C. Evans, under the firm name of Evans and Meekins, General Store. From 1898-1907, he served as Clerk of the Superior Court of Dare County, and was North Carolina Fisheries Commissioner from 1907-1911. From 1917-1918, he was United States Migratory Game Inspector for the States of Virginia, West Virginia, North Carolina, South Carolina and Georgia. From 1918-1924, he was Assistant Fisheries Commissioner. From 1927-1929, he was Commissioner of the Town of Manteo. From 1931-1933, he was a member of the Dare County Board of Education. He represented Dare County in the House of Representatives two terms, 1945 and 1947. For fifteen years, he served as Trustee and Steward of the Mount Olive Methodist Church, Manteo, North Carolina, and served as District Steward for two years:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The members of the General Assembly of North Carolina, Session of 1955, unite in expressing their appreciation for the valuable life and services contributed by this citizen of North Carolina to his community and State and as a former member of the General Assembly. The General Assembly expresses its sorrow at its loss and its grateful thanks that he was privileged to live, serve his community and as a member of this Body.

Resolved further, that this Resolution be spread upon the Journal of the House of Representatives and the Journal of the Senate as a permanent testimonial of the respect of both legislative branches of the General Assembly, and that a copy of this Resolution be sent to the family of Theodore Stockton Meekins.

Sec. 2. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 24th day of February, 1955.

H. R. 130 RESOLUTION 14

A JOINT RESOLUTION PETITIONING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES NOT TO ADOPT TARIFF POLICIES DESTRUCTIVE OF THE DOMESTIC TEXTILE INDUSTRY BY FAILURE TO RECOGNIZE DIFFERENCE IN COST OF MANUFACTURE BY FOREIGN INDUSTRY COMPARED WITH AMERICAN INDUSTRY.

WHEREAS, the present conditions of uncertainty in world affairs demand that in the interest of self preservation our Nation maintain all of its potential capacity, and

WHEREAS, the low living standards of certain foreign countries provide textile manufacturers in those countries with an unfair advantage

which may be destructive of that part of this Nation's industrial capacity now made up of textile industries unless there is a tariff structure which acts to offset this unfair advantage, and

WHEREAS, more than one-fourth of the Nation's spindles are operated in North Carolina to process twenty-eight per cent (28%) of the Nation's cotton consumption, and

WHEREAS, of the 450,000 industrial workers in the State, more than one-half, or 228,000 find employment in textile plants, the industry's annual wage bill in North Carolina ranging between five hundred fifty million and six hundred million dollars ($550,000,000 and $600,000,000), and

WHEREAS, the welfare of such industrial workers and their families would be adversely affected if tariffs on textile goods should be further reduced, and

WHEREAS, in the interest of protecting the Nation's total industrial capacity, North Carolina's textile industry should not be weakened or forced to lower its manufacturing potential, and

WHEREAS, the lower tariffs on textiles become, the easier it is for foreign countries to ship their products to this country and with each increase in the textile production of foreign countries a part of the American industry's foreign market is destroyed:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the administration of tariff policy and in the enactment of legislation relating thereto, procedures be established which will provide protection for the American textile industry.

Sec. 2. Be it further resolved that a copy of this Resolution be forwarded to the President of the United States, to the two members of the United States Senate and to each of the members of the House of Representatives from North Carolina.

Sec. 3. That this Resolution shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1955.

H. R. 407 RESOLUTION 15

A JOINT RESOLUTION INVITING BRIGADIER GENERAL JOHN BURROUGHS CARY, USAF, COMMANDER, 35th AIR DIVISION, AIR DEFENSE COMMAND, TO ADDRESS THE JOINT SESSION OF THE GENERAL ASSEMBLY.

WHEREAS, Brigadier General John Burroughs Cary, USAF, Commander, 35th Air Division, Air Defense Command, Dobbins Air Force Base, Marietta, Georgia, is charged with the air defense of the seven southeastern southern states, including North Carolina, and

WHEREAS, in this responsibility the people of North Carolina and

the General Assembly should be fully informed as to their responsibility in the over-all air defense of North Carolina:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That Brigadier General John Burroughs Cary, Commander, 35th Air Division, Air Defense Command, be invited to address the General Assembly of North Carolina at 12:00 noon on Tuesday, the 15th day of March, 1955, and that the House of Representatives and the Senate shall meet in Joint Session in the Hall of the House of Representatives at the said time for said purpose.

Sec. 2. That a committee be appointed to extend the invitation to address the Joint Session of the General Assembly to Brigadier General John Burroughs Cary, the said committee to be composed of five (5) members, two of whom shall be appointed by the President of the Senate and three of whom shall be appointed by the Speaker of the House of Representatives. The Governor of the State of North Carolina is requested to serve as an ex officio member of the said committee and act as chairman thereof.

Sec. 3. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1955.

S. R. 212 RESOLUTION 16

JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, FOR THE PURPOSE OF ACCEPTING A PORTRAIT OF THE LATE GOVERNOR CAMERON MORRISON.

WHEREAS, Governor Cameron Morrison served this State with great distinction as Governor from 1921 through 1924, and served this State as United States Senator from 1930 to 1933, and was elected as a member of the United States House of Representatives in 1943, and held many offices on a State and local level, and served on many boards and commissions; and

WHEREAS, the General Assembly of 1955 passed Senate Resolution Number 33 commemorating his life and service to this State and Nation, and expressing its sorrow and great loss occasioned by his untimely death on August 20, 1953; and

WHEREAS, his daughter and son-in-law, Mr. and Mrs. James J. Harris, have offered the State a portrait of their father, Governor Cameron Morrison, painted in 1954 by Mr. Boris Gordan of Washington, D. C.; and

WHEREAS, His Excellency Luther H. Hodges appointed a committee to arrange for the presentation of the portrait of Governor Morrison and its acceptance by the State. The committee consists of: Senator J. F.

Blythe, Chairman; Honorable E. M. O'Herron, Mr. Paul C. Whitlock, Judge Francis O. Clarkson, and Dr. Frank P. Graham;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the membership of the House of Representatives and the Senate meet in joint session in the Hall of the House of Representatives at twelve o'clock noon, on Thursday, March 31, 1955, for the purpose of accepting on behalf of the State a portrait of the late honored and beloved Governor Cameron Morrison.

Sec. 2. That the Governor, the Supreme Court, the Council of State, and other friends of Governor Morrison be invited to be present and participate in the program which will be prepared by the Governor's committee, hereinbefore named.

Sec. 3. That this Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1955.

S. R. 229 RESOLUTION 17

A JOINT RESOLUTION CONGRATULATING ROTARY INTERNATIONAL ON ITS FIFTIETH ANNIVERSARY.

WHEREAS, on the twenty-third day of February 1905, Rotary International was founded in the City of Chicago by a small group of men; and

WHEREAS, since its founding, there have been approximately eighty-five hundred (8500) Rotary Clubs organized throughout the world with approximately four hundred thousand (400,000) members; and

WHEREAS, since its organization the objects of Rotary International are to promote the recognition of the worthiness of all legitimate occupations and to dignify each member's occupation as affording him an opportunity to serve society; to encourage high ethical standards in businesses and professions; to increase the efficiency of each member by the exchange of ideas and business methods; to promote the scientizing of acquaintance as an opportunity for service and an aid to success; to quicken the interest of each member in the public welfare; and to cooperate with others in civic development; and

WHEREAS, throughout the years, Rotary International has succeeded far beyond the hopes of its founders in accomplishing the objects and purposes of this great organization; and

WHEREAS, our distinguished Governor, his Excellency Luther H. Hodges, is a past officer of Rotary International in which capacity he served with distinction to himself and honor to Rotary International and to the great State of North Carolina;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina congratulates Rotary International on its Fiftieth Anniversary and wishes for it and

all its members continued success in accomplishing the purposes and objects for which it was organized.

Sec. 2. That a copy of this Resolution be spread upon the minutes of the Journal of the House and Senate and that a copy of the same be sent to Headquarters of Rotary International.

Sec. 3. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

S. R. 234 RESOLUTION 18

A JOINT RESOLUTION HONORING GOVERNOR LUTHER H. HODGES ON HIS BIRTHDAY.

WHEREAS, Providence has joined the hands of Luther H. Hodges and the people of North Carolina as Governor and governed; and

WHEREAS, Governor Luther H. Hodges, being the youngest of 57-year-old Tar Heels in our midst, political marvel, idol of television audiences and world-famed man of business and industry; and

WHEREAS, the General Assembly of North Carolina, having lately entertained His Excellency on matters of State, now yearns to meet with him in a moment of fellowship;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That His Excellency Luther H. Hodges, in the early moments of his 57th year, do appear with Mrs. Hodges in the Hall of the House of Representatives, to the end that the Assembly and the people of North Carolina might toast and tune him in commemoration of his birthday, at the hour of 11:40 A.M., on the 9th day of March, 1955.

Sec. 2. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

H. R. 469 RESOLUTION 19

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING LADY NANCY ASTOR OF THE BRITISH PARLIAMENT TO ADDRESS THE JOINT SESSION.

WHEREAS, Lady Nancy Astor, famous member of the British Parliament, is visiting in the City of Raleigh; and

WHEREAS, it is the desire of the members of the House of Representatives and the Senate to invite Lady Astor to address a Joint Session:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That a committee of three on the part of the House and a committee of two on the part of the Senate be appointed to deliver an

invitation to Lady Nancy Astor to address a Joint Session of the General Assembly in the Hall of the House of Representatives at 12:00 o'clock noon on the 8th of March, 1955.

Sec. 2. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 9th day of March, 1955.

S. R. 241 RESOLUTION 20

A JOINT RESOLUTION EXPRESSING APPRECIATION TO THE PRESIDENT OF EAST CAROLINA COLLEGE AND OTHERS FOR THE HOSPITALITY SHOWN THE MEMBERS OF THE GENERAL ASSEMBLY UPON THEIR VISIT TO THE COLLEGE ON TUESDAY, MARCH 8, 1955.

WHEREAS, many members of the 1955 General Assembly of North Carolina had never visited the campus of East Carolina College and were unfamiliar with its facilities and program and were not aware that it had become an institution of 2400 students and that it has become an increasingly important part of North Carolina's institutions for higher learning; and

WHEREAS, the members of the 1955 General Assembly and others were invited to visit the College on March 8; the occasion being the dedication of the James Yadkin Joyner Library and the Clyde Atkinson Erwin Hall; and

WHEREAS, arrangements for transportation and entertainment were provided through cooperation of the College and many of its friends:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The members of the Senate and the House of Representatives on behalf of themselves and other invited guests hereby express to Dr. John D. Messick, President of East Carolina College, and the students and faculty and friends of the College, and to the Chamber of Commerce of the City of Greenville, and the Greenville city officials and to the members of the committee of the Senate and the House of Representatives making arrangements for the trip to East Carolina College their deep appreciation for the invitation to visit East Carolina College on March 8, 1955 and for the many courtesies and cordial hospitality and splendid entertainment afforded them on the occasion of their visit to the College.

Sec. 2. That a copy of this Resolution be transmitted to Dr. John D. Messick, President of East Carolina College.

Sec. 3. This Resolution shall be in full force and effect after its adoption.

In the General Assembly read three times and ratified, this the 11th day of March, 1955.

H. R. 509 **RESOLUTION 21**

A JOINT RESOLUTION TO RECOGNIZE THE RECORD AND ACHIEVEMENTS OF THE 4-H PROGRAM IN NORTH CAROLINA IN CONNECTION WITH THE OBSERVANCE OF NATIONAL 4-H CLUB WEEK.

WHEREAS, the first 4-H Club in North Carolina was organized in Hertford County in the year 1909 under the leadership of Dean I. O. Schaub and during the past 46 years the number of 4-H Clubs in North Carolina has increased to 2,356 with clubs in each of the 100 counties having a total membership of 146,803; and

WHEREAS, the number of individual 4-H projects completed during 1954 totaled 171,949; and

WHEREAS, the 4-H Club program promotes training in Economics, Health, Social and Spiritual development; and

WHEREAS, North Carolina has gained national recognition as a result of 4-H Club members having won 15 national and sectional honors in the year 1954;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the North Carolina General Assembly do recognize this excellent record of progress and achievements of the 4-H Program under the able leadership of the State and county leaders.

Sec. 2. That a copy of this Resolution be spread upon the minutes of the House of Representatives of the General Assembly of North Carolina.

Sec. 3. That this Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. R. 518 **RESOLUTION 22**

A JOINT RESOLUTION ACCEPTING THE INVITATION TO THE GOVERNOR AND HIS WIFE, THE COUNCIL OF STATE, MEMBERS OF THE GENERAL ASSEMBLY AND OTHERS TO VISIT FORT BRAGG.

WHEREAS, Major General Joseph P. Cleland, Commanding General of Fort Bragg and of the 18th Airborne Corps, has extended a cordial invitation to the Governor and his wife, the Council of State and their wives, members of the General Assembly, their wives and staff, members of the Supreme Court and their wives and others to visit and inspect Fort Bragg on Wednesday, the 6th day of April, 1955:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the invitation extended by Major General Joseph P. Cleland, Commanding General of Fort Bragg and of the 18th Airborne Corps, to the Governor and his wife, the Council of State, members of the

General Assembly and others to visit and inspect Fort Bragg on Wednesday, the 6th of April, 1955, is accepted with expressions of appreciation for this invitation to visit and inspect this great Fort located in North Carolina.

Sec. 2. That a copy of this Resolution, certified by the Secretary of State, shall be furnished to Major General Cleland.

Sec. 3. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 15th day of March, 1955.

H. R. 166 RESOLUTION 23

A JOINT RESOLUTION DIRECTING THE CHAIRMAN OF THE STATE HIGHWAY OF PUBLIC WORKS COMMISSION, THE CHAIRMAN OF THE PRISON ADVISORY COUNCIL, AND THE DIRECTOR OF PRISONS TO TAKE MEASURES TO DETERMINE THE FEASIBILITY OF SEPARATING THE STATE PRISON SYSTEM FROM THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION AND TO REPORT THEREON TO THE GOVERNOR AND TO THE 1957 GENERAL ASSEMBLY.

WHEREAS, in his message to the 1955 General Assembly, Governor Luther H. Hodges expressed his opinion that the State Prison System should be separated from the State Highway and Public Works Commission if and when separation is shown to be feasible; and

WHEREAS, the Commission on Reorganization of State Government authorized by the 1953 General Assembly reported that facts needed to determine the feasibility of such separation are now unknown or uncertain;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Chairman of the State Highway and Public Works Commission, the Chairman of the Prison Advisory Council, and the Director of Prisons shall take measures necessary to determine the feasibility of separating the State Prison System from the State Highway and Public Works Commission. A report on measures taken, results obtained, and conclusions reached shall be submitted to the Governor for transmission to the 1957 General Assembly.

Sec. 2. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

H. R. 519 RESOLUTION 24

A JOINT RESOLUTION HONORING THE MEMORY OF GEORGE W. DAVIS.

WHEREAS, George W. Davis, member of the House of Representatives from Pitt County in the 1945 Session, has recently passed away; and

WHEREAS, George W. Davis, during the course of his useful life rendered invaluable service to the people of his native County and State; and

WHEREAS, George W. Davis was loved and respected by all who knew him as a successful and active business man, merchant, farmer, and civic and religious leader; and

WHEREAS, the members of the General Assembly of North Carolina wish to express their heartfelt sympathy to the family of this distinguished citizen and to express their sorrow at his passing;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of George W. Davis, the State of North Carolina and the citizens of Pitt County have lost one of their most beloved and ablest citizens.

Sec. 2. That the deepest sympathy of the General Assembly is extended to his family.

Sec. 3. A copy of this Resolution shall be sent to his family.

Sec. 4. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

H. R. 250 RESOLUTION 25

A JOINT RESOLUTION HONORING THE MEMORY OF FRANK MARION KILPATRICK.

WHEREAS, Frank Marion Kilpatrick, distinguished citizen of Pitt County, and a member of the House of Representatives from said County in 1947, 1949, 1951 and 1953, has recently died; and

WHEREAS, Frank Marion Kilpatrick, over a long period of years, was an active and successful farmer and realtor, and enthusiastic civic leader, an honest, intelligent, loved and honored public official of his County and State; and

WHEREAS, it is the desire of the General Assembly to express its sympathy to his family in their great loss;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina hereby expresses its sincere sorrow and sympathy to the family of its late member, Frank Marion Kilpatrick, in his passing.

Sec. 2. A copy of this Resolution shall be sent to the family of Frank Marion Kilpatrick.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 16th day of March, 1955.

S. R. 357 **RESOLUTION 26**

A JOINT RESOLUTION EXPRESSING APPRECIATION AND THANKS TO THE EMPLOYEES OF THE GENERAL ASSEMBLY FOR THEIR HOSPITALITY AT A DINNER AT THE CAROLINA COUNTRY CLUB ON THE EVENING OF THE 22nd OF MARCH, 1955.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The members of the Senate, and the House of Representatives of North Carolina, hereby express to the employees of the 1955 General Assembly their deep appreciation for the cordial hospitality and splendid entertainment at the dinner given them on the evening of the 22nd of March, 1955, at the Carolina Country Club.

Sec. 2. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 24th day of March, 1955.

H. R. 732 **RESOLUTION 27**

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF THE HONORABLE VERNE PEARSON CLEMENT.

WHEREAS, Verne Pearson Clement, former State Senator from the Thirty-second District, from Transylvania County, died on the 7th of July, 1953; and

WHEREAS, during his useful life, Verne Pearson Clement served his state and local community with honor, distinction and credit; and

WHEREAS, as state and local official, religious and civic leader, Verne Pearson Clement was highly respected and loved by all with whom he came in contact; and

WHEREAS, the members of the General Assembly wish to express their heartfelt sympathy to his family;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina expresses its heartfelt sympathy in the passing of Verne Pearson Clement.

Sec. 2. A copy of this Resolution shall be spread upon the minutes of the House and Senate, and a copy thereof shall be forwarded to the family of this distinguished citizen.

Sec. 3. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. R. 734 **RESOLUTION 28**

A JOINT RESOLUTION IN APPRECIATION OF THE LIFE AND SERVICES OF THE LATE RICHARD MCLEAN MOORE.

WHEREAS, on February 18, 1955, the State of North Carolina suffered a great loss in the death of Richard McLean Moore, who died at the age of 87 years at his home near the Town of Whitakers, in the County of Nash, State of North Carolina; and

WHEREAS, Richard McLean Moore, throughout the years of a long and fruitful life, gave tirelessly and unselfishly of his time, energy and talents in the interest of his friends and for the betterment of his State and County; and

WHEREAS, in the course of an active career he served his community in various official and unofficial capacities, contributing in many ways to the educational, political and agricultural advancement of his section; and

WHEREAS, he served his county ably, energetically and with distinction during the 1919 Session and the 1920 Extra Session of the North Carolina General Assembly, as one of Nash County's members of the House of Representatives; and

WHEREAS, his passage means to many of us the loss of a loyal personal friend, and to the State and Nash County the loss of an unselfish public servant;

Now, therefore, be it resolved by the House, the Senate concurring:

Section 1. That the General Assembly of North Carolina desires by this Resolution to give formal expression to its appreciation of the life and character of Richard McLean Moore.

Sec. 2. That a copy of this Resolution, duly certified, shall be furnished to his family.

Sec. 3. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 30th day of March, 1955.

H. R. 838 **RESOLUTION 29**

A JOINT RESOLUTION STATING THE POLICY OF THE STATE OF NORTH CAROLINA WITH REFERENCE TO THE MIXING OF THE CHILDREN OF DIFFERENT RACES IN THE PUBLIC SCHOOLS OF THE STATE, AND CREATING AN ADVISORY COMMITTEE ON EDUCATION.

WHEREAS, Governor William B. Umstead, shortly before his death, appointed a Special Advisory Committee on Education, composed of outstanding citizens of our State of both races, to study the difficult and far-reaching problems presented by the May 17, 1954, decision of the Supreme Court of the United States on the question of segregation in the public schools, and our present Governor, Honorable Luther H. Hodges, recommissioned that Committee soon after assuming the duties of Governor of

North Carolina, and said Committee filed its report with the Governor on December 30, 1954, which report stated, among other things, the following:

"The mixing of the races forthwith in the public schools throughout the State cannot be accomplished and should not be attempted. The schools of our State are so intimately related to the customs and feelings of the people of each community that their effective operation is impossible except in conformity with community attitudes. The Committee feels that the compulsory mixing of the races in our schools, on a State-wide basis and without regard to local conditions and assignment factors other than race, would alienate public support of the schools to such an extent that they could not be operated successfully.", and

WHEREAS, His Excellency, the Governor of North Carolina, has transmitted the report of this Special Committee to this General Assembly recommending it as the policy for this State to follow, and

WHEREAS, the Attorney General of the State of North Carolina has filed a brief with the Supreme Court of the United States in the pending segregation cases before said Court, which brief states, among other things, the following:

"The people of North Carolina know the value of the public school. They also know the value of a social structure in which two distinct races can live together as separate groups, each proud of its own contribution to that society and recognizing its dependence upon the other group. They are determined, if possible, to educate all of the children of the State. They are also determined to maintain their society as it now exists with separate and distinct racial groups in the North Carolina community.

"The people of North Carolina firmly believe that the record of North Carolina in the field of education demonstrates the practicability of education of separate races in separate schools. They also believe that the achievements of the Negro people of North Carolina demonstrate that such an educational system has not instilled in them any sense of inferiority which handicaps them in their efforts to make lasting and substantial contributions to their State."

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the report of the Governor's Special Advisory Committee on Education and the brief of the Attorney General of North Carolina, filed in the Supreme Court of the United States in the pending segregation cases, are hereby approved as a declaration of the policy of the State of North Carolina with respect to the serious problems in public education created by the opinion of the Supreme Court of the United States handed down on May 17, 1954.

Sec. 2. That the mixing of the races in the public schools within the State cannot be accomplished and if attempted would alienate public support of the schools to such an extent that they could not be operated successfully.

Sec. 3. (a) In order to provide for a continuing study of the problems

which may arise as a result of the decision of the United States Supreme Court on May 17, 1954, and to provide counsel and advice to the Governor, the General Assembly, the State Board of Education and the county and local school boards throughout the State, there is hereby created a committee to be known as The Advisory Committee on Education.

(b) The Committee shall consist of seven members to be appointed by the Governor for terms of two years, or until their successors are appointed. Two members of the Committee shall be appointed from the membership of the Senate, two from the membership of the House of Representatives, and three from the public at large. The Governor shall designate one member of the Committee to be its Chairman.

(c) The Committee shall be authorized to employ an executive secretary and such other assistants as it may from time to time, with the approval of the Governor, find necessary. The salaries of the executive secretary and of all other assistants employed by the Committee shall be fixed by the Committee, with the approval of the Governor, and shall be paid, together with all other necessary and proper expenses of the Committee, from the Contingency and Emergency Fund.

(d) The Committee shall make a continuing study of the problems which exist and may arise in this State directly or indirectly from the decision of the Supreme Court of the United States on May 17, 1954, in the matter of separate schools for the races. The Committee shall from time to time report to the Governor its findings and recommendations, and shall, so far as it may find practicable, provide counsel, information and advice to the General Assembly, the State Board of Education and the county and local school boards when requested by them to do so.

(e) The Committee is authorized to call upon the Attorney General for such legal advice as it shall deem necessary.

Sec. 4. This Resolution shall be in full force and effect from and after its adoption.

In the General Asembly read three times and ratified, this the 8th day of April, 1955.

H. R. 863 RESOLUTION 30

A JOINT RESOLUTION EXPRESSING REGRET ON ACCOUNT OF THE ILLNESS OF THE HONORABLE CHARLES A. FINK, MEMBER OF THE UNEMPLOYMENT SECURITY COMMISSION OF NORTH CAROLINA AND, FOR MANY YEARS, PRESIDENT OF THE NORTH CAROLINA FEDERATION OF LABOR.

WHEREAS, the General Assembly of North Carolina has learned that the Honorable Charles A. Fink is now seriously ill at the Rowan Memorial Hospital in Salisbury, North Carolina, and has been ill for some time, and

WHEREAS, the Honorable Charles A. Fink is now a member of the Unemployment Security Commission of North Carolina and, prior to his illness, was President of the North Carolina Federation of Labor for many years until he resigned his office as such president because of his present illness, and

WHEREAS, the Honorable Charles A. Fink has always been an honest and honorable labor leader of the careful and conservative type and has served the cause of labor well in the State of North Carolina, always being a man who believed in investigating carefully all propositions and considerate of the welfare of the people of the State of North Carolina as well as the interest of the cause of labor to which he belonged, and

WHEREAS, the Honorable Charles A. Fink is at present a member of the Unemployment Security Commission of North Carolina and has heretofore been President of the North Carolina Railroad, and has served in various official capacities throughout his long, honorable, and patriotic career;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly does hereby express its deep and sincere regret because of the illness of the Honorable Charles A. Fink, and expresses to him hopes for an eventual recovery.

Sec. 2. That the General Assembly of North Carolina now recognizes the honorable and patriotic services of the Honorable Charles A. Fink in serving in official capacities for the State of North Carolina and in the true and honest leadership that he has afforded the cause of labor in the State of North Carolina.

Sec. 3. That a copy of this Resolution be recorded in the minutes of the House of Representatives and that the Clerk of the House forward a copy of the same to the Honorable Charles A. Fink.

Sec. 4. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. R. 326 RESOLUTION 31

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION BY THE GOVERNOR FOR THE PURPOSE OF MAKING A STUDY OF THE ORGANIZATION AND OPERATIONS OF THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION AND THE OPERATION AND PLANNING OF THE STATE SYSTEM OF HIGHWAYS AND SUBMITTING RECOMMENDATIONS WITH RESPECT THERETO.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Governor of North Carolina is authorized and empowered to appoint a commission to be known as the Commission on the Study of the State Highway System. The commission shall consist of seven members, all of whom shall be appointed by the Governor, and two of whom shall be appointed from the members of the State Senate and three of whom shall be appointed from the members of the State House of Representatives. The Governor shall designate one of the members as chairman.

Sec. 2. It shall be the duty of the commission herein provided for to

make a detailed and exhaustive study of the operations of the State Highway and Public Works Commission and to make recommendations which may be desirable in order to insure that the operation and future extensions of the State highway system are for the best interests of the State as a whole. Such study commission shall meet with the Governor and the State Highway and Public Works Commission from time to time and make such recommendations as it deems wise with respect to policy and administration changes which could be effected administratively without legislative action being necessary therefor. Said study commission shall also make such recommendations to the 1957 Session of the General Assembly with respect to all matters relating to the improvement of the State highway system and its administration which said study commission may deem desirable.

Sec. 3. Immediately after its appointment, said study commission shall meet at a time and place designated by the chairman and shall elect a secretary. The commission shall meet at such other times as the chairman may designate or the Governor may designate. The study commission, with the approval of the Governor, is authorized to employ such clerical help and other assistance as it may deem necessary to carry out the purposes for which such commission is created. Subsistence and travel expenses incurred by members of the study commission shall be reimbursed at the same rate provided in the Appropriation Act for the biennium 1955-1957 with respect to State employees, and such subsistence and travel expenses and the expenses incurred in the employment of clerical help and other assistance shall, with the approval of the Governor and Council of State, be paid out of the State Contingency and Emergency Fund.

Sec. 4. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 12th day of April, 1955.

S. R. 416 RESOLUTION 32

A JOINT RESOLUTION COMMENDING TO THE ELECTORS OF THE HALL OF FAME FOR FAVORABLE CONSIDERATION THE ELECTION OF THOMAS JONATHAN (STONEWALL) JACKSON TO SAID HALL OF FAME.

WHEREAS, the electors of the Hall of Fame of New York University consider the names of distinguished Americans for election to the Hall of Fame every fifth year in a period of five years, and such consideration will be given in this year of 1955, and

WHEREAS, General Jackson's name has been in nomination for quite some time but each time the ballots have been counted—every five years—he has not received the necessary number but has received such support that his name has been carried forward for consideration at the next period of time in which the electors ballot and make their selection, and

WHEREAS, General Thomas Jonathan (Stonewall) Jackson has been

praised by many students of military affairs and his military campaigns and tactics have been studied by the general staffs of many nations and his famous Shenandoah Valley campaign of 1862 demonstrated his great genius in military science and his mastery of military tactics, and

WHEREAS, General Jackson's campaigns are now studied in the military academies of Europe as models of their kind and he stands out as one of the great military men of this nation; in addition, General Jackson has been acclaimed in his great campaign as making a remarkable display of strategic science based on accurate reasoning, correct anticipation of the enemy's plans, rapid marches, and judicious disposition of inferior forces, and

WHEREAS, General Jackson was not only a great military man but was also a deeply religious man who believed and practiced the ideals of the Christian life and was in every sense an outstanding American, possessed of noble qualities that men praise and adore:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina most earnestly recommends to the electors of the Hall of Fame of New York University that they give careful and earnest consideration to the election of General Thomas Jonathan (Stonewall) Jackson to the Hall of Fame.

Sec. 2. That it is the sense of the General Assembly that this great and noble character, this military genius of the American nation, who is recognized and studied by all masters of military science, is in every sense worthy to be elected to the Hall of Fame, together with the many great Americans that have heretofore been chosen by said electors.

Sec. 3. That a copy of this Resolution be certified and sent by the appropriate agent of the General Assembly to the electors of the Hall of Fame of New York University.

Sec. 4. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

S. R. 434 RESOLUTION 33

A JOINT RESOLUTION INVITING THE AMERICAN DEFENDERS OF BATAAN AND CORREGIDOR TO HOLD THEIR 1956 CONVENTION IN NORTH CAROLINA.

WHEREAS, the American Defenders of Bataan and Corregidor meet in annual reunion at Boston, Massachusetts, on May 6, 7 and 8, 1955, and

WHEREAS, the North Carolina Chapter of this patriotic society and the Asheville Chamber of Commerce are desirous of having the 1956 reunion in Asheville, North Carolina, it is believed appropriate that the General Assembly of North Carolina join hands in inviting this most unusual group of heroic defenders of our liberties to share our hospitality in their next annual reunion, and

WHEREAS, it is understood that this group will contain many of the few living defenders of the historically important names their organization bears, and it is realized that no greater hardships have ever been endured, and no more sustained courage demonstrated by soldiers of any country than those heroic souls who so gallantly defended these two far flung ramparts, and

WHEREAS, it is further understood that this group will contain many of the few survivors of Bataan, who exhausted by four months of hard fighting, starvation, diseases and ceaseless bombardment, were compelled to surrender to the Japanese. The barbaric cruelty inflicted on their sick and starving bodies, by the brutality of their captors—shooting, clubbing, bayonetting, beheading, burying alive, and other merciless horrors—constituted the needless agony and slaughter of the Death March, unmatched in history, and

WHEREAS, their group will contain many of the few survivors or from thirty to forty months of imprisonment, under the sadistic ideology of a regime where starvation, beatings, murders, beheadings and "hell ships" were customary:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina does hereby extend its cordial invitation to the American Defenders of Bataan and Corregidor to hold its annual convention in 1956 in North Carolina, and it is felt by all the members of this General Assembly that it will be a distinct honor to have the heroic survivors of Bataan and Corregidor among us at that time.

Sec. 2. A copy of this Resolution shall be certified by the Secretary of State and delivered to Major James F. Cook, present State Commander of this orginization, in order that he may present it to the national convention to be held in Boston, Massachusetts, in May, 1955.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

S. R. 441 RESOLUTION 34

A JOINT RESOLUTION FIXING THE TIME AND PLACE FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE ELECTION OF TRUSTEES OF THE GREATER UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the Senate and the House of Representatives meet in joint session on Tuesday, the 19th day of April, 1955, at 12:00 Noon, in the House Chamber for the purpose of electing Trustees of the Greater University of North Carolina.

Sec. 2. That this Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 19th day of April, 1955.

H. R. 1008 **RESOLUTION 35**

A JOINT RESOLUTION OF SYMPATHY FOR THE TEMPORARY ABSENCE FROM OFFICE OF THE HONORABLE M. V. BARNHILL, CHIEF JUSTICE OF NORTH CAROLINA.

WHEREAS, The Honorable M. V. Barnhill, eminent Chief Justice of North Carolina, has found it necessary because of illness temporarily to absent himself from active duty on the Supreme Court of North Carolina; and

WHEREAS, the members of the General Assembly of North Carolina desire to take cognizance of the long and distinguished career of the Chief Justice of this State during which he has labored so tirelessly and successfully for the improvement of the administration of justice in the judicial system of the State; and

WHEREAS, the members of this General Assembly, for themselves and for the people of North Carolina, desire to record their deep appreciation to Chief Justice Barnhill for his loyal public service through the years and their hope for his early return to health and vigor;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the members of the General Assembly of North Carolina, for themselves and all the people of the State, do hereby express their profound gratitude to their beloved Chief Justice for his long and distinguished career of public service.

Sec. 2. That the members of the General Assembly, for themselves and the people of the State, respectfully voice their confident hope that Chief Justice Barnhill will bear his lightened burden willingly and that he will use the coming months to restore himself to full health and vigor.

Sec. 3. That a copy of this Resolution, duly certified, shall be dispatched to Chief Justice Barnhill.

Sec. 4. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. R. 1007 **RESOLUTION 36**

A JOINT RESOLUTION EXPRESSING SYMPATHY TO HONORABLE RALPH R. FISHER, A FORMER REPRESENTATIVE FROM TRANSYLVANIA COUNTY, UPON HIS ILLNESS AND REGRET UPON HIS RESIGNATION AS A MEMBER OF THE HOUSE OF REPRESENTATIVES.

WHEREAS, it has come to the attention of the General Assembly that Representative Ralph R. Fisher, of Transylvania County, has been seriously ill; and

WHEREAS, Ralph R. Fisher has served with distinction as a member in the General Assembly in the Sessions of 1921, 1922, 1945, 1949, 1951, 1953 and 1955; and as minority leader in the Sessions of 1953 and 1955; and

WHEREAS, Ralph R. Fisher is known and loved by all with whom he has come in contact; and

WHEREAS, the General Assembly is grateful for the fine services rendered by this distinguished citizen, and it is the desire of the General Assembly to express to him its best wishes and hope for an early recovery and to express regret upon his resignation from the membership of this General Assembly:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina hereby extends to Ralph R. Fisher, distinguished member of the 1955 and former Sessions of the General Assembly, its sincere sympathy during the days of his illness and wishes for him a speedy recovery in order that he may again assume his position of usefulness to the civic and political life of the State. The General Assembly also expresses profound regret upon the resignation of Mr. Fisher.

Sec. 2. A copy of this Resolution shall be sent to Ralph R. Fisher and a copy shall be spread upon the records of the General Assembly.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 20th day of April, 1955.

H. R. 1155 **RESOLUTION 37**

A JOINT RESOLUTION BY THE GENERAL ASSEMBLY OF NORTH CAROLINA PROVIDING FOR JOINT ADJOURNMENT OF THE TWO HOUSES TO A FIXED FUTURE DAY.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. That both the House of Representatives and the Senate, constituting the General Assembly of 1955 do jointly adjourn on Friday, April 29, 1955, at nine-thirty o'clock, A.M., to reconvene in their respective chambers on Monday, May 2, 1955, at eight o'clock, P.M., for the continuation of the Regular Session of the General Assembly of 1955.

Sec. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. That this Resolution shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 29th day of April, 1955.

S. R. 526 RESOLUTION 38

A JOINT RESOLUTION INVITING THE GOVERNOR TO ADDRESS THE GENERAL ASSEMBLY.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. His Excellency, the Governor of North Carolina, is hereby invited to address a Joint Session of the Senate and House of Representatives on Thursday, May 5, 1955, at 12:00 o'clock noon.

Sec. 2. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 5th day of May, 1955.

H. R. 1234 RESOLUTION 39

A JOINT RESOLUTION COMMEMORATING THE ONE HUNDREDTH ANNIVERSARY OF THE ESTABLISHMENT OF POLK COUNTY.

WHEREAS, the County of Polk was established as a county in 1855, and

WHEREAS, the County of Polk has authorized a centennial celebration of this event in May, 1955, and

WHEREAS, the people of Polk County and the officials of the Polk Centennial desire to invite the Governor of North Carolina, the Council of State, the members of the Senate and House of Representatives, State officials and employees, and the people of North Carolina, to attend the Centennial in May, 1955:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the Senate and House of Representatives indicate their interest in the rich and glorious history of Polk County and in the proper celebration of one hundred years of progress.

Sec. 2. That the State of North Carolina, its institutions and agencies, are authorized to give all appropriate assistance to this celebration.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of May, 1955.

S. R. 499 **RESOLUTION 40**

A JOINT RESOLUTION REQUESTING A REVALUATION OF MINIMUM FLOW RELEASES BY THE APPROPRIATE FEDERAL AGENCIES CONCERNED WITH THE MANAGEMENT OF HYDROELECTRIC PLANTS LOCATED ON THE LOWER ROANOKE RIVER.

WHEREAS, the John H. Kerr Reservoir was constructed as authorized by Congress for the purposes of flood control, power production, and other stated benefits including the stabilization of river flows and the improvement of conditions for the other necessary uses of the river such as public and industrial water supplies, agricultural purposes, and the provision of improved conditions for sanitation and the preservation of the anadromous fish species; and,

WHEREAS, private interests have received a license for the construction of one downstream dam and have applied for a license for an additional project which will further re-regulate the minimum river flows and alter the quality of the water; and,

WHEREAS, recent experience and studies by the appropriate State and Federal agencies have shown that the presently prescribed schedules of minimum releases are inadequate to provide for the multiple stream uses in the interest of the public health, economic welfare and recreation of the people; and,

WHEREAS, negotiations between interested Federal and State agencies have not resulted in a permanent solution construed to be in the best public interests:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the U. S. Department of Interior, the U. S. Army Engineers, and other appropriate Federal agencies are hereby requested to re-evaluate the total needs in relation to minimum stream flows as affected by the above-mentioned projects, conducting such studies and hearings as may be necessary to arrive at an equitable solution; and that a new schedule of minimum releases be established on a permanent basis for all projects regulating stream flows which will properly recognize and provide for all the aspects of the total public interests.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 10th day of May, 1955.

S. R. 554 **RESOLUTION 41**

A JOINT RESOLUTION CONCERNING THE DEATH OF AND HONORING THE MEMORY OF WILLIAM SAUNDERS BABCOCK.

WHEREAS, William Saunders Babcock, affectionately known throughout North Carolina as "Bill" Babcock, died on the 7th day of May, 1955, and

WHEREAS, William Saunders Babcock was active in civic, political

and religious affairs of his county and State over a long period of years, having served as Clerk of the Superior Court of Edgecombe County, North Carolina, from 1946 until his death, and

WHEREAS, he served as past President of the Association of Superior Court Clerks of North Carolina, past President of the Edgecombe County Young Democratic Clubs, past President of the Tarboro Rotary Club, past President of the Hilma Country Club and a member of the Elks Club and American Legion, having served in the Army during World War II, and

WHEREAS, as a member of the First Baptist Church, he served as moderator and member of the Board of Deacons, teaching a Sunday School class for several years prior to his death, and

WHEREAS, William Saunders Babcock was known and loved by all with whom he came in contact;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. In the death of the Honorable William Saunders Babcock, the State of North Carolina and the people of the County of Edgecombe have experienced a great loss and are now overwhelmed in sorrow at the termination of the life of this distinguished and respected public official.

Sec. 2. The General Assembly of North Carolina hereby expresses its highest appreciation of him as a citizen and public official and expresses its sympathy to his family upon his passing.

Sec. 3. A copy of this Resolution shall be sent to his widow and children.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 12th day of May, 1955.

H. R. 1306 RESOLUTION 42

A JOINT RESOLUTION EXPRESSING APPRECIATION FOR THE HOSPITALITY OF MAJOR GENERAL JOSEPH P. CLELAND AND HIS COMMAND AT FORT BRAGG.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. WHEREAS, the visit of the members of the General Assembly, their wives, and other invited guests, to Fort Bragg, North Carolina, on Friday, April 29, 1955, proved highly enjoyable and informative, and gave those attending a new and clearer insight into matters pertaining to our national defense and methods and armor being developed and used by our Department of Defense:

Now, therefore, The House of Representatives, the Senate concurring, do hereby express to Major General Joseph P. Cleland, Commanding General of Fort Bragg, North Carolina, and the 82nd Airborne Division, and to the officers of his staff and other military personnel, their deep appreciation for the invitation to visit Fort Bragg and for the many courtesies, cordial hospitality, and splendid entertainment given them on the occasion of their visit to the Fort on April 29, 1955.

Sec. 2. That the House of Representatives, the Senate concurring, do hereby also express to Messrs. Wilson Yarborough, Sr., and I. H. O'Hanlon, Representatives from Cumberland County, their appreciation for arranging and making possible the above-mentioned visit.

Sec. 3. A copy of this Resolution shall be transmitted to Major General Joseph P. Cleland, to Representative I. H. O'Hanlon, and to Representative Wilson Yarborough, Sr.

Sec. 4. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 13th day of May, 1955.

S. R. 561 RESOLUTION 43

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION TO CELEBRATE THE FOUR-HUNDREDTH ANNIVERSARY OF THE FOUNDING OF THE COLONY BY THE ENGLISH ON ROANOKE ISLAND IN NORTH CAROLINA.

WHEREAS, the year 1985 will mark the four-hundredth anniversary of the landing on Roanoke Island of the first English colony sent out by Sir Walter Raleigh, which was the earliest attempt of the English to colonize America, antedating the first settlement of Jamestown by twenty-two years, and the landing of the Pilgrims at Plymouth Rock by thirty-five years, and

WHEREAS, the landing of this first colony on Roanoke Island was evidence of the dauntless spirit of adventure and achievement which has prompted the English-speaking people to extend the domain of civilization and the indefinable spirit which has inspired man on through the ages with the story of the pioneers, and

WHEREAS, in this four-hundredth anniversary of the landing of the colony of Sir Walter Raleigh on Roanoke Island, this State and Nation have the first opportunity for a quadricentennial, to mark the beginnings of the civilization brought to America by the English-speaking people—an event of great national significance, and

WHEREAS, it has been proposed by many prominent citizens, including Honorable Lindsay C. Warren, that this eventful year in the history of America be recognized by celebration in the nature of a National or World's Fair Exposition, or in some other suitable manner and, to that end, that a commission be appointed by the Governor to begin the study of a proper and suitable means of celebrating this important anniversary and the making of plans leading toward this occasion:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the Governor be and hereby is authorized, empowered and directed to appoint a commission of not less than twenty-five (25) or more than fifty (50) persons, composed of individuals who reside within and without the State of North Carolina, to be known as The Commission

to Promote Plans for the Celebration of the Four-hundredth Anniversary of the Landing of Sir Walter Raleigh's Colony on Roanoke Island, and which may be otherwise known and designated as America's Four-hundreth Anniversary Commission. Not more than twenty per cent (20%) of the members of the said Commission shall be nonresidents of the State of North Carolina. All of the members of the said Commission shall be selected by the Governor on account of their knowledge of and interest in the early history of America and with a capacity to deal with the problems involved in a national celebration of the character and extent contemplated by this Resolution. The members of the House of Representatives in the Congress of the United States and the United States Senators from North Carolina shall be ex-officio members of the said Commission and in addition to the members of said Commission appointed by the Governor.

The Governor is fully authorized and empowered from time to time to appoint members of said Commission to succeed the members who may resign or whose position may otherwise become vacant. The persons appointed as members of said Commission shall serve, without compensation, for such length of time as shall be fixed by the Governor in his appointment, and the terms of said members may be fixed to expire at different periods of time.

Sec. 2. The said Commission, when appointed, shall be be organized at a meeting to be held in Raleigh upon the call of the Governor, and shall elect from its members a chairman, vice-chairman, secretary, treasurer, and such other officers as may be deemed proper and necessary.

Sec. 3. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. R. 577 RESOLUTION 44

A JOINT RESOLUTION FIXING THE TIME AND PLACE FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE APPROVAL OF APPOINTMENTS TO THE STATE BOARD OF EDUCATION.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Senate and House of Representatives shall meet in Joint Session at 12:00 Noon Thursday, May 19, 1955 in the House Chamber for the purpose of approving appointments to the State Board of Education.

Sec. 2. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. R. 1192 **RESOLUTION 45**

A JOINT RESOLUTION TO COMMEMORATE AND PRESERVE IN THE HISTORY OF NORTH CAROLINA THE DATE OF MAY 20, 1775.

WHEREAS, the Mecklenburg Declaration of Independence was signed on May 20, 1775, preceding by more than one year the Declaration in Philadelphia on July 4, 1776; and

WHEREAS, May 20, 1955 is the 180th Anniversary of the signing of the Mecklenburg Declaration of Independence; and

WHEREAS, the date of May 20, 1775 appears upon the flag of the State of North Carolina and is a local holiday and is observed in other ways; and

WHEREAS, it is deemed fitting that the events of May 20, 1775 should be appropriately recorded in the museum maintained by the State Department of Archives and History: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Dr. Archibald Henderson, Mr. James A. Stenhouse, Dr. Legette Blythe, Dr. Chalmers Davidson, Henry C. Dockery and Kenneth W. Whitsett and others who may be selected by the Governor are hereby named and appointed to a committee to service without compensation to gather together papers, materials, and data relative to the Mecklenburg Declaration of Independence; the said committee shall importune persons having such in their possession to contribute same to the State Department of Archives and History, and shall make a report to the said department.

Sec. 2. That after the said committee shall have gathered its said material and made its report, the Director of the State Department of Archives and History and the members of the Executive Board thereof shall continue the search for additional papers, materials and data relative to the Mecklenburg Declaration of Independence to the end that the display with respect thereto may grow in importance and the events of May 20, 1775 may become a part of the heritage of freedom of the people of North Carolina and made to live.

Sec. 3. This Resolution shall be effective upon adoption.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. R. 1235 **RESOLUTION 46**

A JOINT RESOLUTION RECOGNIZING THE SPLENDID WORK THAT THE NORTH CAROLINA FEDERATION OF WOMEN'S CLUBS IS DOING IN AN EFFORT TO PROHIBIT THE CIRCULATION OF CRIME COMIC BOOKS.

WHEREAS, the General Assembly of North Carolina has been informed that the North Carolina Federation of Women's Clubs is conducting a worthy crusade in an effort to prohibit the circulation of crime comic books, which the said Federation so aptly describes as a "vicious force seeking to

undermine the foundation of our nation by feeding our children a continuous diet of torture, lust and murder in the form of crime comic books"; and

WHEREAS, the General Assembly of North Carolina has been informed of the program of the General Federation of Women's Clubs aimed at the abolishment in this country of crime comics:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina does hereby express and voice its approval of the fight that the North Carolina Federation of Women's Clubs is carrying on in an effort to abolish crime comics in this State, and the General Assembly of North Carolina does hereby further resolve to give serious consideration to the problems created by the circulation of crime comic books, and expresses appreciation to the North Carolina Federation of Women's Clubs for bringing this very important matter to the attention of the General Assembly.

Sec. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

H. R. 1371 RESOLUTION 47

A JOINT RESOLUTION HONORING THE MEMORY AND ACHIEVEMENTS OF EDWIN KISER OF STOKES COUNTY, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, AND EXPRESSING SYMPATHY BECAUSE OF HIS DEATH.

WHEREAS, the Honorable Edwin Kiser, born November 19, 1868, a former member of the House of Representatives of the General Assembly of North Carolina, who served in said House of Representatives as Representative from Stokes County for the Sessions of 1917 and 1919 and Special Session of 1920, died on April 29, 1955; and

WHEREAS, the said Edwin Kiser served honorably his State and county as teacher in the public schools and as Treasurer of Stokes County and his community and church as teacher, deacon, elder and superintendent; and the State of North Carolina in the death of this useful citizen has suffered a great loss; and

WHEREAS, the State of North Carolina in the death of this useful citizen, desires to honor his memory and express in some measure its sympathy to the surviving members of his family and to share in their sorrow:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina does hereby express its sorrow and sympathy to the family and relatives of its former member, Edwin Kiser, because of his death.

Sec. 2. That the General Assembly as a memorial to his life and achievements and because of his death cause a copy of this Resolution to be spread upon the minutes of the House of Representatives and a copy forwarded to the family through his son, Representative Roger C. Kiser of Scotland County.

Sec. 3. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 20th day of May, 1955.

S. R. 363 **RESOLUTION 48**

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION OF NINE MEMBERS TO INQUIRE INTO, REPORT AND MAKE RECOMMENDATIONS AS TO THE ALTERATION AND MODIFICATION OF SENATORIAL DISTRICTS IN THIS STATE, AS WELL AS THE REGULATIONS IN RELATION TO APPORTIONMENT OF REPRESENTATIVES.

WHEREAS, our Constitution at the present time contains the same methods of senatorial redistricting and the same methods of reapportionment of members of the House of Representatives that were adopted by the Reconstruction Constitutional Convention of 1868; and

WHEREAS, the growing reluctance on the part of the General Assembly to change senatorial districts and to accomplish reapportionment in the House of Representatives, a feeling or concept that the method of determining representation in both Houses of the General Assembly is unrealistic, unsound and does not embody or contain a reasonable relation to the methods and objectives of representation sought to be accomplished; and

WHEREAS, the bicameral system of legislative representation should be so set up and so organized that the two Chambers of the General Assembly should have fundamentally representative bases so that each Chamber can serve as a check on the other, and it is necessary to re-examine the theory, as well as the practice of popular representation in North Carolina; and

WHEREAS, it is necessary to determine which House of the General Assembly shall faithfully reflect representation based on population and which House should faithfully reflect representation based on geographical units if such method is adopted, and it is further necessary to consider the ratio of population in proportion to the representative capacity of the members of each House of the General Assembly and also the actual mechanics of redistricting and reapportionment:

Now, therefore, be it resolved by the Senate, the House concurring:

Section 1. That a special commission shall be established which shall be known as "The Commission of Legislative Representation" and shall be composed of nine members, three of whom shall be appointed by the President of the Senate and from the membership of the Senate; three shall be appointed by the Speaker of the House from the membership of the

House; and three shall be appointed by the Governor of this State from those members of the public at large who have some familiarity with governmental theory and practice.

Sec. 2. It shall be the duty of said commission to study the whole problem of redistricting and reapportionment and re-examine the theory, practice and bases of representation in both Houses of the General Assembly. The said commission shall also study the question, problem and mechanics of representation in the General Assembly and the proper method and basis to be fixed for each House of same; the commission shall study the problem and question of geographical or district representation, as well as representation in proportion to population and the practices and methods and mechanics adaptable to each House of the General Assembly in order to carry out representative government on the basis of a bicameral system. The commission shall also consider whether or not the actual working and mechanics of reapportionment and redistricting should be placed in an authorized agency outside of the General Assembly with mandatory provisions to make and enforce redistricting and reapportionment independent of the consideration, personalities and concepts of individual members of the General Assembly; the said commission shall study the experience of other states and shall examine theories of representation totally new or unfamiliar to this State and shall gather factual information and data on the subject, and it is hereby authorized to study any and all phases of the primary subject or question of this Resolution.

Sec. 3. The said commission shall have the power and authority to examine data and records in the various offices, bureaus and institutions, as well as agencies of State government and to utilize the personnel of any such agencies or offices of the State government and to do any and all things necessary to accomplish the objectives of this Resolution.

Sec. 4. The commission shall determine its own procedure and plan of organization and elect its own chairman. The commission, the chairman and other members of the commission shall have such power and authority to administer oaths, examine persons and to exercise any and all the power and authority granted to legislative committees or commissions by the general laws of the State now in force and governing such commissions and committees appointed by the General Assembly.

Sec. 5. Members of the commission shall receive the same per diem and travel allowance as that allowed officers and employees of the State while in the performance of their duties as members of the commission.

Sec. 6. After completing its investigation and studies the commission shall file a report with the Governor of North Carolina and with the General Assembly of 1957, containing a statement of its investigations, findings and recommendations.

Sec. 7. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. R. 846 **RESOLUTION 49**

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION TO STUDY AND MAKE RECOMMENDATIONS FOR REVISION AND RECODIFICATION OF THE REVENUE ACT AND TO REPORT ITS FINDINGS TO THE 1957 SESSION OF THE GENERAL ASSEMBLY.

WHEREAS, there has been no major revision or basic change in the tax structure of the State of North Carolina since 1932; and

WHEREAS, it is proper and desirable that the State of North Carolina and its tax structure be such as to favor the migration of individuals and business enterprises from other states to come within the bounds of North Carolina to establish their businesses and residences; and

WHEREAS, the technological and industrial advances in manufacturing, scientific and agricultural processes since 1932 have changed the nature of many industries, and many entirely new industries have been developed; and

WHEREAS, it is desirable that the tax structure of the State of North Carolina should be studied and reviewed to ascertain whether it meets the tests of stability and equity, and gives proper economic incentive to the greater productivity of the citizens and business enterprises of this State, and with a steady and adequate provision of revenue for the sound and essential purposes of government;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Governor of North Carolina is hereby authorized and empowered to appoint a Commission to be composed of 9 members, and to be known as the Commission for the Study of the Revenue Structure of the State. One member shall be selected from the membership of the 1955 Senate and 2 members shall be selected from the 1955 House of Representatives. The remaining members shall be selected with a view toward fairly and equitable representing the various economic interests of the State as nearly as possible.

Sec. 2. It shall be the duty of said Commission to make a detailed and careful study of the revenue laws of the State which now comprise the Revenue Act, together with all other laws of the State which have a bearing upon such a study of the Revenue Act, and to make recommendations to the 1957 Session of the General Assembly:

(a) To provide for such revision or recodification of such revenue laws as would provide a more easily understandable and workable system of revenue laws for the State, with separate recommendations being made of all such sources of taxation under the General Fund, as well as the Highway and the Agricultural Fund.

(b) To recommend changes in the basic tax structure of the State and in the rates of taxation, together with predicted revenue effects thereof, together with proposed alternate sources of revenue, to the end that our revenue system may be stable and equitable, and yet so fair when com-

pared with the tax structures of other states, that business enterprises and persons would be encouraged by the economic impact of the North Carolina Revenue Laws to move themselves and their business enterprises into the State of North Carolina.

(c) To recommend study of alternate sources of revenue found in the tax structures of other states of the Union, and particularly, in the other southeastern states, and to make a report upon the economic impact of the North Carolina tax structure upon the business enterprises of various types of industry, as compared with those of other southeastern states.

(d) To make recommendations for long range revenue planning, and for future amendments of the Revenue Laws of North Carolina.

(e) To make a study of allocation formulas providing for the allocation of income for taxation purposes of corporations and other enterprises and persons doing business in North Carolina and other states, together with recommendations as to flexible adjustment procedures which may be provided, in cases of inequity of application of any allocation formulas which may be adopted or recommended.

Sec. 3. The Commission shall have power to hold public hearings, examine the records of the Revenue Department or any other agencies of the State, to receive testimony of any employees of the State or any other witnesses who may assist the Commission in its duties and to call for assistance in the performance of its duties from any employees or agencies of the State or any of its political subdivisions. The Commission may administer oaths, subpoena and compel attendance of witnesses, and do any and all things necessary to accomplish the objective and purposes of this Resolution. To this end the provisions of G. S. 105-259 shall not apply to the members of the Commission or any of its employees or staff.

Sec. 4. Upon its appointment the Commission shall organize by electing from its membership a chairman and a vice-chairman. The members of the Commission shall be paid a per diem allowance in an amount to be determined by the Governor for the days when they are engaged in the performance of the duties of the Commission, and such necessary travel expenses and subsistence and other expenses as may be incurred by them in the performance of the duties of the Commission. The Commission may adopt by majority vote such rules not inconsistent with this Article as it may deem proper with respect to any and all matters relating to the discharge of its duties under this Article.

Sec. 5. The Commission is authorized, with the approval of the Governor, to employ an executive secretary or a general counsel who shall devote his full time to the work of the Commission and supervise the research, revision and redrafting required to carry out the provisions of this Resolution. Such executive secretary or general counsel shall receive a salary to be fixed by the Commission with the approval of the Governor. He shall be authorized to hold hearings and symposiums at various points throughout the State for the purpose of promoting the work of the Commission and securing the wishes of the public regarding the duties of the Commission. The executive secretary or general counsel is authorized to employ

such professional, clerical, and other assistants and services as may be deemed necessary in the performance of the Commission's duties.

Sec. 6. The Commission shall report its findings, including its recommendations for revision and recodification of the Revenue Act, together with the economic and statistical studies related thereto, to the Governor upon or before November 10, 1956, to be transmitted promptly thereafter to the members-elect of the 1957 General Assembly. Said findings and recommendations shall be published and made available to the public.

Sec. 7. There is hereby appropriated from the Contingency and Emergency Fund the sum of fifty thousand dollars ($50,000.00) for the expenses of the Commission which shall be expended under the direction of the Director of the Budget. The Superintendent of Buildings and Grounds shall provide suitable office space and equipment for the Commission.

Sec. 8. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 23rd day of May, 1955.

H. R 1397 RESOLUTION 50

A JOINT RESOLUTION EXPRESSING THE APPRECIATION OF THE GENERAL ASSEMBLY TO THE CITY OF RALEIGH AND TO THE CAROLINA COUNTRY CLUB FOR THE HOSPITALITY AND COURTESIES EXTENDED THE MEMBERS OF THE GENERAL ASSEMBLY DURING THE 1955 SESSION.

Be is resolved by the House of Representatives, the Senate concurring:

Section 1. WHEREAS, the City of Raleigh, through its Mayor, City Manager, City Council, the Traffic Bureau of its Police Department, and the citizens of Raleigh, generally have during the 1955 Session of the General Assembly extended an admirable spirit of courtesy and hospitality in their homes, offices and elsewhere, and

WHEREAS, the thoughtful action of the city government in providing exclusive parking facilities for the members of the General Assembly in the area around Capitol Square, and

WHEREAS, said facilities have been of inestimable value and convenience during inclement weather and at other times in saving time for the members of the General Assembly in attending Official Sessions and committee meetings:

Now, therefore, be it resolved that the House of Representatives, the Senate concurring, do hereby express its warm and sincere appreciation to the City of Raleigh, its city government, and its citizens, for the hospitality and courtesies above enumerated.

Sec. 2. WHEREAS, the Carolina Country Club has through its officers, directors, and members, exhibited an unusual degree of generosity and cordiality in making its facilities available to the members of the General Assembly, and

WHEREAS, the use of said Carolina Country Club has served well in

providing much needed recreation and relaxation from the tension and strain of a difficult Session:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring, do hereby express its warm and sincere appreciation to the Carolina Country Club for the hospitality and courtesies above enumerated.

Sec. 3. FURTHER, that a copy of this Resolution be delivered to Honorable Fred B. Wheeler, Mayor of the City of Raleigh, and a copy to Mr. Charles W. Bradshaw, President, Carolina Country Club, Raleigh, North Carolina.

Sec. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1955.

H. R. 1400 RESOLUTION 51

A JOINT RESOLUTION EXPRESSING APPRECIATION TO HONORABLE JACK LOVE FOR COURTESIES ACCORDED MEMBERS AND EMPLOYEES OF THE GENERAL ASSEMBLY.

WHEREAS, on several occasions during this Session of the General Assembly the members and employees have accepted invitations to visit points away from the Capital; and

WHEREAS, the Honorable Jack Love, one of our most popular, courteous and accommodating fellow members made, in every instance, substantial contributions to transportation requirements, and otherwise:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section. 1. That we do express to Honorable Jack Love, the lovable and capable member from Mecklenburg, our deep, sincere and grateful appreciation for the cordial, generous and most helpful services and courtesies rendered to the members and employees of the General Assembly of 1955.

Sec. 2. That this Resolution shall be in full force and effect from and after its ratification, and that a certified copy be transmitted to the Honorable Jack Love by the Secretary of State under the hand and seal of his office.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. R. 1271 **RESOLUTION 52**

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION TO STUDY AND MAKE RECOMMENDATIONS TO THE GOVERNOR AS TO THE NECESSITY AND ADVISABILITY OF A REORGANIZATION OF THE STATE GOVERNMENT IN THE INTEREST OF MORE EFFICIENT AND ECONOMICAL ADMINISTRATION OF THE SAME.

WHEREAS, it has been suggested that a careful study of the various State agencies will disclose that it will be in the interest of economy and efficiency that some State agencies should be consolidated, separated, or abolished; and

WHEREAS, before any definite action be taken with respect to this problem, it is necessary that an exhaustive and detailed study of the problem should be undertaken by a competent commission appointed for this purpose:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section. 1. The Governor of North Carolina is authorized and empowered to appoint a commission to be composed of nine members and to be known as the Commission on Reorganization of State Government.

Sec. 2. It shall be the duty of this commission to make a detailed and thorough study of all agencies, commissions, departments and separate units of State Government with the view of determining whether or not there shall be a consolidation, separation, change or abolition of one or more of these several agencies, commissions, departments and units in the interest of more efficient and economical administration. The commission is authorized and directed to examine any and all of the several agencies, commissions, departments and separate units of the State Government, their functions, methods of procedure, activities and the purposes of their creation and establishment. To accomplish this objective, the commission shall have access to all books, records, and offices of the said agencies, commissions, departments and units and through its chairman, may adminster oaths, subpeona and compel attendance of witnesses, and do any and all things necessary to accomplish the objective and purposes of this Resolution. The commission shall report and make its recommendations to the Governor on or before the fifteenth day of November, 1956.

Sec. 3. Upon its appointment, the commission shall organize by electing from its membership a chairman, a vice chairman and a secretary. The commission is authorized, with the approval of the Governor, to employ such clerical and other assistants and services as may be deemed necessary in the performance of its duties and the members of the commission shall be paid the sum of seven dollars ($7.00) per day and such necessary travel expenses and subsistence and other expenses as may be incurred by them in the performance of their duties, all to be paid out of the Contingency and Emergency Fund.

Sec. 4. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 25th day of May, 1955.

H. R. 1340 RESOLUTION 53

A JOINT RESOLUTION AUTHORIZING AND DIRECTING THE SECRETARY OF STATE TO HAVE PRINTED THREE THOUSAND FIVE HUNDRED COPIES OF COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 177, ENTITLED "AN ACT REWRITING, REARRANGING, RENUMBERING AND AMENDING CHAPTER 115 OF THE GENERAL STATUTES, AND REPEALING CERTAIN OBSOLETE SECTIONS THEREOF", AND OTHER PUBLIC SCHOOL LAWS ENACTED BY THE GENERAL ASSEMBLY OF 1955, AND PROVIDING THAT THE DISTRIBUTION THEREOF BE UNDER THE DIRECTION OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Resolved by the House of Representatives, the Senate concurring:

Section. 1. That the Secretary of State be, and he is hereby authorized and directed to have printed not more than five thousand (5,000) copies of Committee Substitute for House Bill No. 177, entitled "An Act Rewriting, Rearranging, Renumbering and Amending Chapter 115 of the General Statutes, and Repealing Certain Obsolete Sections Thereof", and other public school laws enacted by the General Assembly of 1955, to be distributed by the State Superintendent of Public Instruction.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. R. 1405 RESOLUTION 54

A JOINT RESOLUTION EXPRESSING APPRECIATION TO JOHN MOORE AND FRANK ROBERTS FOR SERVICES RENDERED DURING THE RECENT TELEPHONE STRIKE.

WHEREAS, when it became apparent "the voice with a smile" would be absent during the recent telephone strike, there was cause for grave concern on the part of the membership of the General Assembly; and

WHEREAS, efficient telephone service is indispensable to the effective functioning of the General Assembly; and

WHEREAS, Southern Bell Telephone Company assigned Messrs. John Moore and Frank Roberts, District Sales Manager and Raleigh Sales Manager, respectively, of said company, to act as telephone operators for the General Assembly during said emergency; and

WHEREAS, the two gentlemen herein mentioned rendered courteous, effective and efficient service comparable to the usual high standards heretofore established by Southern Bell Telephone Company employees:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section. 1. That the membership of the General Assembly, individually and collectively, does hereby acknowledge with grateful appreciation the courteous, efficient and indispensable service rendered by Messrs. John Moore and Frank Roberts while acting as telephone operators during the recent strike emergency.

Sec. 2. That a copy of this Resolution be spread upon the respective Journals of the House and the Senate; and that a copy of this Resolution, duly authenticated and certified, be delivered to Mr. John Moore and to Mr. Frank Roberts.

In the General Assembly read three times and ratified, this the 26th day of May, 1955.

H. R. 1396 RESOLUTION 55

A JOINT RESOLUTION BY THE GENERAL ASSEMBLY OF NORTH CAROLINA PROVIDING FOR ADJOURNMENT ON THURSDAY, MAY 26, 1955.

Be it resolved by the House of Representatives, the Senate concurring:

Section. 1. That both the House of Representatives and the Senate constituting the General Assembly of 1955, do adjourn sine die on Thursday, May 26, 1955, at 11 o'clock A. M.

Sec. 2. That this Resolution shall be in force and effect from and after its ratification.

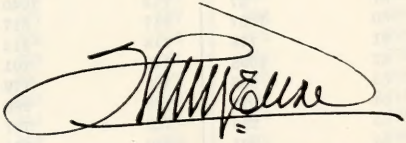
In the General Assembly read three times and ratified, this the 26th day of May, 1955.

STATE OF NORTH CAROLINA,

DEPARTMENT OF STATE.

RALEIGH, JUNE 10, 1955

I, THAD EURE, Secretary of State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.



Secretary of State.

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